

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO

TED STACY, et al.,	:	
	:	
Plaintiffs,	:	Case No.
	:	
v.	:	Judge
	:	
WILL SNELL, et al.,	:	
	:	
Defendants.	:	

MOTION FOR TEMPORARY RESTRAINING ORDER

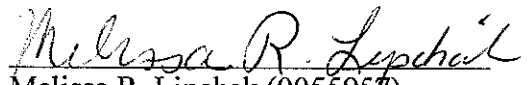
Now come Plaintiffs, by and through counsel, pursuant to Ohio Rule of Civil Procedure 65(A) and respectfully request that this Court issue a Temporary Restraining Order enjoining and restraining the Defendants from holding an annual meeting on December 15, 2006; holding an election on December 15, 2006; expending any further funds rightfully belonging to the Chevington Woods Civic Association, Inc.; and performing any acts on behalf of the Chevington Woods Civic Association, Inc. The Defendants, supposedly having held elections in May and June of 2006 are attempting to hold another election in violation of the Bylaws of the Chevington Woods Civic Association. Such violations include failing to nominate at least one candidate for each of the 15 Areas in the Chevington Woods Neighborhoods, having a closed and secret nominating committee, having a ballot that that does not provide a method for voting against a nominee, allowing lot owners to vote for trustees not in their Area, and denying the members their right to vote in violation of the right to vote which is unambiguously guaranteed in ARTICLE X, General, Section 2 which provides that:

Nothing herein shall restrict the right of any member from voting on any matter at any general meeting of the association either in person or by proxy.

Plaintiffs will suffer irreparable harm by being denied their right to vote. Further, elections apparently are not going to be held for another three years which is also in violation of the Bylaws which require annual elections and sets the terms of trustees for two years.

Further, Defendants are acting without authority as there are not 15 trustees on the board of trustees, nor had there been a duly constituted board of trustees since November of 2002. Defendants, as set forth in the verified Complaint, have been acting in violation of their fiduciary duties and holding themselves out as the board of trustees, when, in fact, they did not have authority and intentionally failed to appoint individuals to the board. The verified Complaint also alleges that the Defendants have engaged in wasting the funds of the corporation. Defendants have been asked repeatedly to cease spending the funds of the corporation, but have refused to do so. They have continued to use the corporate funds to perform acts in violation of the Bylaws. The reasons supporting this Motion are set forth more fully in the attached Memorandum in Support and Exhibits thereto, and the verified Complaint.

Respectfully submitted,


Melissa R. Lipchak (0055957)
Dritz Law Offices
50 West Broad Street, Suite 2200
Columbus, OH 43215
Phone: 614.464.4644; Fax 614.464.0946
melissa@dritzlaw.com
Attorney for Plaintiffs

Memorandum in Support

Plaintiffs are filing, contemporaneously herewith, a Complaint for Declaratory Judgment, Preliminary Injunction, Permanent Injunction, Money Damages, and Derivative Action. The Complaint seeks a declaration of the rights of the lot owners of three Chevington Woods Neighborhoods with respect to the deeds and amendments thereto of the Chevington Woods Neighborhoods. Further, Plaintiffs seek Declaration that the Defendants, who have been acting as trustees, violated the Bylaws of the non-profit corporation, Chevington Woods Civic Association, Inc. Plaintiffs also seek a Declaration that the Defendants have violated their respective deeds by acting as an Architectural Control Committee without having been appointed by the deeds. Plaintiffs further seek Preliminary and Permanent Injunction against the Defendants for violations of the Bylaws and Deeds. Plaintiffs also seek money damages for the violations of the Bylaws and the Deeds. Finally, Plaintiffs are bringing a Derivative Action pursuant to Ohio Civil Rule 23.1 for Defendants' actions that are alleged to be unreasonable, outside of the scope of their authority, and in breach of their fiduciary duties.

Ohio Civil Rule 65(A) provides:

A temporary restraining order may be granted without written or oral notice to the adverse party or his attorney only if (1) it clearly appears from the specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting his claim that notice shall not be required.

In evaluating Plaintiffs' request, a court must consider four primary factors:

- a. whether the moving party has a substantial likelihood or probability of success on the merits;

- b. whether the moving party will suffer irreparable injury if the requested relief is not granted;
- c. whether the injunction would cause unjustifiable harm to others; and
- d. whether the public interest would be served by issuing the preliminary injunction.

Corbett v. Ohio Bldg. Auth., (1993) 86 Ohio App.3d 44.

The decision whether to grant an injunction rests within the sound discretion of the trial court. *Garono v. State* (1988), 37 Ohio St.3d 171. It is within the trial court's discretion to determine whether an adequate remedy at law is available and whether irreparable harm will result to the party seeking the injunction if no injunction is issued. *Dayton Metro. Housing Auth. v. Dayton Human Relations Council* (1992), 81 Ohio App. 3d 436.

Previous demands have been made upon the Defendants to relinquish any appearance of authority and to return the monies spent by them to the corporation, however, Defendants continue to act as trustees and expend monies belonging to the corporation. (Exhibit A.) Further, Defendants intend to attempt to hold an annual meeting at which time another purported election will be held. (Exhibit A and copy of the Chevington Woods News, Vol. 06 No. 4, December 2006.)

The newsletter states that:

As most of the residents are aware, an election of the CWCA Trustees was held in June, 2006. However, recently a question was raised as to the propriety of the election being held in June when the Bylaws set it for the fourth quarter of the year.

The newsletter goes on to state that there will be an election of trustees at the December meeting, even though it may not be necessary. As Defendants are well-aware, there are more questions regarding elections and their actions other than the timing of an annual election, yet they have

failed to inform the lot owners of the additional questions that exist and are attempting to hold a second election which would indicate that the first election that was held was invalid.

The newsletter goes on to state that a nominating committee had been appointed and nominated candidates for 14 of the 15 Areas. This would still not constitute a board of trustees with authority to act under the Bylaws. Further, the newsletter states that the terms of the trustees would be for three years in violation of the Bylaws which requires that the terms of the Trustees are two years.

Further, since the nominating committee was appointed in secret and nominated the candidates without giving the members an opportunity to seek nomination, and since there is no method for voting against a nominee, the ballot prepared by the Defendants is invalid. This election, if allowed to go forward, will irreparably harm the Plaintiffs and they will have no adequate remedy at law. They will be forced to seek a quo warranto to remove the Defendants and the new trustees. The nomination process and the election process completely deny the members to right to seek nomination and deny the members their right to vote.

Most importantly, the Newsletter states that only those members who have paid their dues can vote. This is in direct violation of the provisions of the Bylaws which provide that:

Voting for the Trustees shall take place at the annual meeting. Ballots may be cast by all voting members attending the annual meeting or by proxy. To cast a proxy ballot, it must be returned to the association secretary prior to the close of voting at the annual meeting in a sealed envelope signed on the outside by the voting member. Proxy ballots shall be opened and counted along with the ballots cast at the annual meeting.

ARTICLE VI, Election of Trustees and Officers, Section 3

Nothing herein shall restrict the right of any member from voting on any matter at any general meeting of the association either in person or by proxy.

ARTICLE X, General, Section 2

Section 3 of Article VI does not restrict the right to vote at elections to members in good standing. Section 2 of Article X clearly prevents a restriction of the right of a member to vote. The only restriction on the right to vote is if an associate member is not in good standing; that is, did not pay the dues required. Associate membership is granted to those with an unimproved lot who agree to be bound by the regulations of the Association and to pay dues as specified in the Bylaws. ARTICLE II, Membership, Section 2. Associate membership may also be granted to those who do not own an improved or unimproved lot. ARTICLE II, Membership, Section 3. Those members that own an improved lot have a right to vote regardless of whether dues are paid or not.

Defendants cannot interpret the Bylaws of a non-profit corporation, in which membership is mandatory, to require that the members pay dues to have the right to vote.

Defendants have also determined that the candidates are going to be elected at-large with no Area restrictions; however, there is no explanation as to why the voting should occur in this manner and, in fact, in May of 2006, the very same Defendants held a purported election by Area (at least for Area 14) in June of 2006. (Exhibit #1)

Additionally, the Ballot for the election does not provide a way for anyone to vote "against" a nominee. Once each of the nominees vote for himself or herself, he or she is elected. The nomination process was completed in secret without the knowledge or input of the lot owners and having once nominated one candidate for fourteen Areas, the election is essentially complete. (Exhibit #1) Thus, if the annual meeting is to proceed and the nominees elected, then Plaintiffs will suffer irreparable harm from being denied the right to vote, as apparently these individuals would hold office for the next three years.

Further, since the beginning of 2003 to the present, all the dues that have been collected, and Nine Thousand Seven Hundred Dollars (\$9,700.00) from the funds of the corporation that existed in the beginning of 2003, have been spent. It is estimated that over Forty-Two Thousand Five Hundred Dollars (\$42,500.00) has been spent beginning in 2004 through September of 2006. Expenses of the corporation were around Six Thousand Two Hundred Dollars (\$6,200.00) in 2003. Thus, there is an increase in the spending of the corporation on an average of Seven Thousand Six Hundred Dollars (\$7,600.00) per year for the years 2004, 2005 and 2006. If the Defendants are permitted to continue, the funds of the corporation will continue to be depleted.

A review of the financial statements also raises questions regarding the accounting for the collection and use of the money of the corporation. (Exhibit B) A cash accounting method was used in 2003 and an accrual accounting method was used in the years 2004, 2005 and 2006. The ending balance of assets on hand in 2003 is Twenty-Eight Thousand One Hundred Ninety-Two Dollars and Eight Cents (\$28,192.08). The opening equity balance for 2004 is Twenty-Six Thousand One Hundred Seven Dollars and Sixty-Three Cents (\$26,107.63). This opening balance amount is over Two Thousand Dollars (\$2,000.00) less than the closing balance amount in 2003. This pattern repeats itself. In 2004, the closing balance amount is Twenty-Seven Thousand One Hundred Seventy-Two Dollars and Seventy-Three Cents (\$27,172.73). In 2005, the opening balance is Twenty-Six Thousand One Hundred Seven Dollars and Sixty-Three Cents (\$26,107.63). This opening balance amount is over One Thousand Dollars (\$1,000.00) less than the closing balance amount in 2004. The opening balances for 2005 and 2006 are both Twenty-Six Thousand One Hundred Seven Dollars and Sixty-Three Cents (\$26,107.63) while the closing balance for 2005 is Twenty-

Eighteen Dollars and Seventy-Five Cents (\$23,018.75) and the closing balance through November 6, 2006 is Twenty-Two Thousand Four Hundred Sixty-Nine Dollars and Forty-Eight Cents (\$22,469.48). (Exhibit B)

Additionally, the amounts entered for retained earnings have no explanation and a homeowner's association would have no financial event that would cause it to have retained earnings. The net income is also negative beginning in 2004. In 2003, there was a surplus of almost Four Thousand Five Hundred Dollars (\$4,500.00). This loss of income exists despite the fact that since 2004 the income of the corporation has included accounts receivable and dues owed but not paid. (Exhibit B)


A letter has been sent to the attorney for the defendants, Timothy Rankin, Esq., advising him of Plaintiffs' intention to seek a Temporary Restraining Order. (Exhibit B)

Plaintiffs believe that they have a substantial likelihood of success on the merits as the actions of the Defendants have continued in violation of the Bylaws. Further, Plaintiffs will suffer irreparable harm by being denied their right to vote for which there is no adequate remedy at law. Further, the injunction will cause no unjustifiable harm to anyone as this is a homeowner's association and not an on-going business operation. The proposed election will not change any of the facts; there will still be less than 15 trustees. There is no need to expend funds for any reason until the next payment of property taxes in February of 2007. The interests of the members of the corporation will be served by allowing time for a judicial determination of the disputed issues. Plaintiffs only request that nothing further occur until the rights of the members are determined.

CONCLUSION

Plaintiffs respectfully request this Court issue a Temporary Restraining Order that prohibits Defendants from performing any further acts, holding an annual meeting and an election, and continuing to expend funds of the corporation.

Respectfully submitted,


Melissa R. Lipchak (0055957)

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Columbus, OH 43215

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melissa@dritzlaw.com

Attorney for Plaintiffs

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TED STACY, et al.,	:	
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Plaintiffs,	:	Case No.
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WILL SNELL, et al.,	:	
	:	
Defendants.	:	

AFFIDAVIT OF GINA STACY

Now comes Plaintiff, Gina Stacy, being first duly sworn, deposes and states that:

1. I am one of the Plaintiffs in the above-captioned action and have personal knowledge of the matters herein.

2. I have owned a home in Chevington Woods North, Section No. 2 since 1994. Additionally, I resided in the neighborhood with my parents when I was a minor.

3. On December 4, 2006, I received a copy of the Chevington Woods News, Vol. 06 No. 4, December 2006. A true and accurate copy of the newsletter is attached hereto as Exhibit 1.

4. The newsletter stated that Defendants intend to hold an annual meeting at which time an election will be held. Earlier this year, I was nominated as a candidate for trustee for Area 14. My name was put on a ballot and letters were sent out to my neighbors in Area 14.

5. It is my understanding that the residents living in the Area are the individuals who would vote for the trustee or trustees that would represent that Area. This is what occurred in May and June of 2006. I do not have an understanding of why a homeowner in one Area is now permitted to vote for a trustee in another Area and have



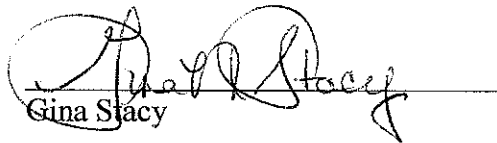
no recollection of elections ever being held in this manner. There is no method provided to vote against a nominee. The membership of the association was not notified of the formation of a nominating committee.

6. Previous demands have been made upon the Defendants to resign, to stop spending money, and to return the monies spent by them to the corporation; however, Defendants continue to act as trustees.

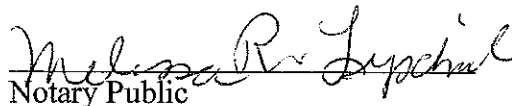
7. There are 15 Areas in the Chevington Woods Neighborhoods. Since November of 2002 to the present, there have not been 15 trustees.

8. Further, since the beginning of 2003 to the present, according to my review of the financial statements provided by Defendants, all the dues that have been collected, and Nine Thousand Seven Hundred Dollars (\$9,700.00) from the funds of the corporation that existed in the beginning of 2003, have been spent. It is estimated that over Forty-Two Thousand Five Hundred Dollars (\$42,500.00) has been spent beginning in 2004 through September of 2006. Expenses of the corporation were around Six Thousand Two Hundred Dollars (\$6,200.00) in 2003.

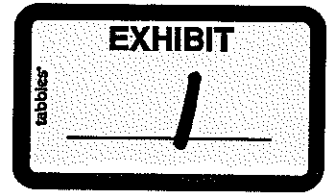
Further, affiant saith not.


Gina Stacy

Sworn to and subscribed in my presence on the 10th day of December, 2006.


Notary Public

MELISSA R. LIPCHAK, Attorney At Law
Notary Public - State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.



Chevington Woods News

Vol 06 No. 4

Published by the Chevington Woods Civic Association, Inc.

December 2006

www.neighborhoodlink.com/org/chevingtonwoods

CWCA ANNUAL MEMBERSHIP MEETING SET FOR DECEMBER 15TH

Pursuant to Article V, Section 1 of the Association Bylaws, the annual meeting of the members (lot owners) of the Chevington Woods Civic Association will be held beginning a 7:00 p.m. on Friday, December 15, 2006 at the **Seton Parish Church Activity Center** located behind the main church at **600 Hill Road North, Pickerington, Ohio.**

Long time residents will recall that for many years the membership meetings were held at the Holy Redeemer Lutheran Church. However, the congregation recently disbanded and the Columbus Synod would not rent the facility to the CWCA for its annual meeting.

This unannounced and unexpected event left the Trustees scrambling to find a suitable facility with an open date to meet. The Trustees are grateful to Seton Parish for accommodating our needs.

ELECTION OF TRUSTEES TO BE HELD DURING THE ANNUAL MEETING ON DECEMBER 15TH.

As most of the residents are aware, an election of the CWCA Trustees was held in June 2006. However, recently a question was raised as to the propriety of the election being held in June when the Bylaws set it for the fourth quarter of the year.

We have asked legal counsel to take a close look at the bylaws. They advise that it may not be necessary, but would show good faith and great caution, to have an election of all Trustees at the December meeting. The available CWCA records show that at least since the late 1970's the annual meeting and election of Trustees has been held in June. But the Trustees cannot locate any record showing a change in the provision of the bylaws

that set the election in the "last quarter of the year." So that the Trustees have the unquestioned authority to act for the Association, we are holding this election again.

We hope that the new Trustees can give attention to changes to the bylaws to make them easier to use for the benefit of all the lot owners of Chevington Woods.

Accordingly, CWCA President Comanita appointed a Nominating Committee to prepare a slate of Trustee candidates for each of the 15 Areas that compose the confines of Chevington Woods. The pertinent provisions of the Bylaws for the election process are as follows:

Article VI, Section 2: The nominating committee shall be responsible for selecting a slate of candidates of at least one but not more than three to fill each pending vacancy on the Board of Trustees. The nominating committee shall be responsible to insure the selected candidates will meet the requirements for serving as Trustees and officers of this association. The slate of candidates shall be submitted to the Board of Trustees in time to allow preparation of ballots to be included with the written notice of the annual meeting of the association.

Article II:

Section 5. The right to hold office in this association as either an officer or member of the Board of Trustees is restricted to residents of Chevington Woods Subdivision who are members in good standing of this association.

Section 6. The right to vote at general meetings is restricted to members and associate members in good standing qualifying under Section 1, Section 2, Section 3 and Section 4. The vote may be exercised by either husband, wife or individual delegated by land owner(s).

Continued on other side

Article III, Section 5. Memberships delinquent in payment of dues shall not be considered in good standing.

Summary: Each candidate for Trustee must be a lot owner (member) and the annual dues for the lot must be paid in full with no arrears through 2005. Votes are tallied on the basis of one lot, one vote, regardless of the number of owners on the deed.

Report of the Nominating Committee

Fellow Trustees:

The Nominating Committee has selected the incumbents elected in June of this year to again be candidates for re-election. In addition the Committee has selected candidates for the vacancies that presently exist in Areas 3, 9 and 13. Unfortunately, no candidates were available for Area 15. The term of office for all candidates shall be three years. The candidate slate submitted is as follows:

Area 1 - Teresa Hartley
Area 2 - Juliet Squier
Area 3 - Sandy Boden
Area 4- Lisa Ross
Area 5 - Jim Murphy
Area 6- Mark Briggs
Area 7- Greg Fown
Area 8 - Mike Ryan
Area 9- Hal Pearson
Area 10- Don Roeder
Area 11 - Will Snell
Area 12 - Carol Comanita
Area 13 - Pat Mahan
Area 14- Lora Stevenson
Area 15 - No candidate

Respectfully submitted,

S/ Jim Murphy, Chairman
S/ Don Roeder, Member
S/ Mark Briggs, Member

VOTING INSTRUCTIONS

A ballot with voting instructions included is attached. Please follow the instructions and cast your vote by USPS or in person at the annual meeting on December 15, 2006 at the Seton Parish Church Activity Center.

Yard of the Month Seasonal Awards

Yard of the Month Chairperson Julie Squier wishes to remind everyone that seasonal decorations are springing up throughout the Woods and there are already some beautiful displays. Her Committee will again choose a seasonal decoration winner for the North and the South. She wishes everyone a happy, peaceful holiday season and best wishes for the coming year.

Santa Will Visit Your Home -- Make Your Reservations Now

Santa will be visiting Chevington Woods's children the week of December 18th. The schedule and exact dates are to be determined. Please call Bev Tumblison at 614-861-0210 before December 14th to get on Santa's visit list. Santa's visits have been a Chevington Woods tradition for many, many years and we thank Santa's helper Ray Mason for filling in for Sam Turner who is undergoing cancer treatment and cannot serve as Santa this year. The CWCA recognizes Sam's service to the community over the years and he will be in our hearts and prayers. Please send Sam a card at 11290 Saylor Road, Pickerington, OH 43147.

The President's Corner

It has been no secret in our community that the present Trustees are committed to reasonably enforce deed restrictions. The CWCA Trustees have tried to communicate and work with the residents of Chevington Woods in a cooperative effort over the past three years to restore our community to once again be a good neighborhood in which to purchase a home and raise a family. It is that attitude that has made Chevington Woods an attractive place to live in Fairfield County for many years.

The North Reserve has been restored to a pleasant community park and playground. The historic cemetery has been restored to honor the memory of the Pickering family who founded the city that now bears their name. The dangerous old playground structures have been removed. Community volunteers have installed new ergonomically approved swings. New grills have been installed along with a new trash container for residents' use.

The President's Corner continued

Of more immediate concern are the incidents of vandalism in our community. We have had mailboxes set on fire, automobile windows bashed, mailbox bombs and several other attacks on our homes and property. That is why adequate yard lighting, in accordance with the deed restrictions, is so important to deter this type of vandalism.

Yet, there are a few residents who believe it is OK for our community to be populated with boats, trailers, semi tractors, commercial vehicles, pop-up campers and motor homes. These vehicles are prohibited by the deed restrictions that everyone who purchased a home in this community accepted and agreed to at closing when they purchased their home. The deed restrictions also require dusk to dawn yard lights. However, community lighting is apparently of no concern to some residents.

Nevertheless, these residents have recently disrupted a meeting of the CWCA Trustees. They rushed to the front of the room and yelled "Nazis, Gestapo" and accused the CWCA president of being "Hitler's daughter." All of the Trustees and other residents in attendance were witnesses.

Meanwhile, they are challenging the legal status of the Chevington Woods Civic Association to even legally exist and function. Should those that contend the CWCA has no legal authority to enforce deed restrictions or continue to exist for your benefit and protection as a resident prevail in their legal argument the following most likely will happen:

The SR 204 streetlights and entrance walls will go dark. The entrances will be filled with weeds. There will be no streetlights burning in the community. There will be no children's programs or entertainment. There will be no maintenance at the North Reserve. Your property value will be determined by what your neighbor does and you will be powerless to protect it because there is no Civic Association to protect your property values

unless you alone bear the expense to litigate deed restriction enforcement.

If you do not care about your property value then there is no need for you to attend our annual meeting. If you care more about your property value than the need to park a boat in your drive during the summer or store it in your back yard during the winter, please come and join us on December 15th, 2006 at the annual meeting where these issues will be discussed.

The Chevington Woods community is at a crossroads. The number of dissidents at the recent monthly meeting of the Trustees numbered approximately 15. There are 390 homes in Chevington Woods. Should the tail wag the dog? It is your choice.

It is my intent to have police protection present at the annual meeting and conduct the business of this Association in a civil manner with all residents showing respect to their fellow residents. We will not be bullied nor intimidated. We welcome dissent but it must be civil dissent.

Carol Comanita, President
Chevington Woods Civic Association

Need an electrician?

CWCA officers have had inquiries for names of electrical contractors for yard light installation/repair. Feed back from residents indicate the contractors are not interested in small jobs. However, we have found an electrician who would be interested in doing the work in his spare time on weekends and/or evenings. Based on actual experience of residents who have used him in the past, his work has been very good and fees were reasonable. For a free estimate, call Dan Loken @ 614-402-3802.

**CHEVINGTON WOODS CIVIC ASSOCIATION - ANNUAL MEETING DECEMBER 15, 2006
BALLOT AND VOTING INSTRUCTIONS**

To: All members (lot owners in good standing) of the Chevington Woods Civic Association

Please review the voting requirements and cast your ballot for the Trustee candidates of your choice. You may vote for one or more of the candidates listed. The candidates are elected at large with no Area restrictions. There is no provision in the CWCA Bylaws for write in candidates.

Applicable CWCA Bylaw provisions:

Article II, Section 5. The right to hold office in this association as either an officer or member of the Board of Trustees is restricted to residents of Chevington Woods Subdivision who are members in good standing of this association

Section 6. The right to vote at general meetings is restricted to members and associate members in good standing qualifying under Section 1, Section 2, Section 3 and Section 4. The vote may be exercised by either husband, wife or individual delegated by land owner(s). **[One lot one vote]**

Article III, Section 5. Memberships delinquent in payment of dues shall not be considered in good standing. **[Dues must be paid through December 31, 2005.]**

Article VI, Section 3. Voting for the Trustees shall take place at the annual meeting. Ballots may be cast by all voting members attending the annual meeting or by proxy. To cast a proxy ballot, it must be returned to the association secretary prior to the close of voting at the annual meeting in a sealed envelope **signed on the outside by the voting member**. Proxy ballots shall be opened and counted along with the ballots cast at the annual meeting.

To cast a valid ballot by proxy you must: Mark the ballot with an "X" for each candidate for whom you wish to vote. Detach the ballot at the bottom of this page and place it in the ballot envelope. Seal the envelope. Sign the outside of the envelope. Mail the sealed ballot envelope inside another envelope addressed to: **CWCA Secretary, PO Box 897, Pickerington, OH, 43147.** The Secretary must receive the ballot via USPS or in person prior to the close of the election process at the membership meeting on December 15, 2006 to be counted

All ballots will be opened and counted at the membership meeting beginning at 7:00 p.m. on December 15th, 2006 at the Seton Parish Church Activity Center, Pickerington, OH. All lot owners eligible to vote may cast the ballot in person at the meeting.

----- Cut Here -----

Election of CWCA Trustees for the term beginning January 1, 2007 thru December 31, 2010
Place and "x" in the square for each candidate for whom you wish to vote.

- | | | |
|--|---|---|
| <input type="checkbox"/> Area 1 - Teresa Hartley | <input type="checkbox"/> Area 2 - Juliet Squier | <input type="checkbox"/> Area 3 - Sandy Boden |
| <input type="checkbox"/> Area 4 - Lisa Ross | <input type="checkbox"/> Area 5 - Jim Murphy | <input type="checkbox"/> Area 6 - Mark Briggs |
| <input type="checkbox"/> Area 7 - Greg Fown | <input type="checkbox"/> Area 8 - Mike Ryan | <input type="checkbox"/> Area 9 - Hal Pearson |
| <input type="checkbox"/> Area 10 - Don Roeder | <input type="checkbox"/> Area 11 - Will Snell | <input type="checkbox"/> Area 12 - Carol Comanita |
| <input type="checkbox"/> Area 13 - Pat Mahan | <input type="checkbox"/> Area 14 - Lora Stevenson | <input type="checkbox"/> Area 15 - no candidate |

Signature: _____

Address: _____

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO

TED STACY, et al.,

Plaintiffs,

v.

WILL SNELL, et al.,

Defendants.

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: Case No.
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: Judge
:
:
:
:

AFFIDAVIT OF MELISSA R. LIPCHAK, ESQ.

Now comes Melissa R. Lipchak, Esq., being first duly sworn, deposes and states that:

1. I am the attorney for Plaintiffs in the above-captioned action and have personal knowledge of the matters herein.
2. Attached hereto as Exhibits 1-4 are true and accurate copies of the financial records of Chevington Woods Civic Association, Inc. for the years 2003 through 2006 that were provided to me by counsel for Defendants.
3. Attached hereto as Exhibit 5 is a true and accurate copy of a letter sent to Attorney, Tim Rankin, by regular mail, facsimile, and electronic mail on December 8, 2006.

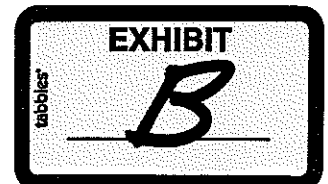
Further, affiant saith not.

Melissa R. Lipchak
Melissa R. Lipchak, Esq.

Sworn to and subscribed in my presence on the 11th day of December, 2006.

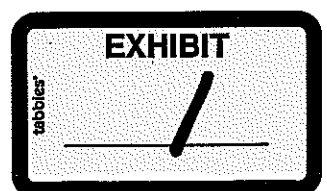
Constance J. Yee
Notary Public

CONSTANCE J. YEE
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 08-15-09



CWCA FINANCIAL STATEMENT - 2003

Income:	Dues Income 2003	10,695.00
Expenses:	Landscaping/Mowing	3226.41
	Street/Entrance Lights	1867.57
	Postage, copying, etc.	428.27
	Real Estate Taxes	390.86
	Children Activities	<u>289.44</u>
	Total Expenses	6202.55
Surplus/Deficit:		4,492.45



CWCA FINANCIAL STATEMENT - 2003

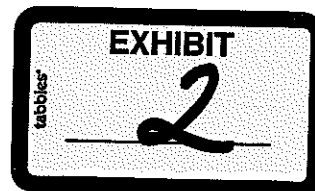
Beginning Balance:	Checking Account	14,644.77
	Certificates of Deposit	8819.85
	Savings	<u>235.01</u>
	Total Assets	23,699.63
Income:	Dues Income 2003	10,695.00
Expenses:	Landscaping/Mowing	3226.41
	Street/Entrance Lights	1867.57
	Postage, copying, etc.	428.27
	Real Estate Taxes	390.86
	Children Activities	<u>289.44</u>
	Total Expenses	6202.55
Recapitulation:	Beginning Assets	23,699.63
	Dues Income	<u>10,695.00</u>
	Sub-total	34,394.63
	Less Expenses	6202.55
Ending Balance	Total Assets	28,192.08

Chevington Woods Civic Association

Profit & Loss

January through December 2004

	Jan - Dec 04
Ordinary Income/Expense-	
Income-	
Advertising Income	70.00
Annual Membership Dues	
Dues Waiver - Street Lights	-690.00
Annual Membership Dues - Other	11,730.00
Total Annual Membership Dues-	11,040.00
Total Income	11,110.00
Expense	
Bank Service Charges	35.80
Community Activities	
Christmas & Santa	50.41
Easter Egg Hunt	347.09
Community Activities - Other	131.46
Total Community Activities-	528.96
Insurance	
Liability Insurance-	622.00
Total Insurance	622.00
Legal Fees	
CWCA vs Rozler	3,848.60
Total Legal Fees-	3,848.60
Licenses and Permits	25.00
Miscellaneous	46.52
Office Supplies	
Dues Invoicing & Notices	31.56
Newsletter Printing	177.16
Postage and Delivery	220.96
Printed Checks	50.25
Office Supplies - Other	112.40
Total Office Supplies-	592.33
Printing and Reproduction	
Family Directory	5,225.10
Printing and Reproduction - Other	631.31
Total Printing and Reproduction-	5,856.41
Repairs & Maintenance	
Cemetery	89.33
Entrances - Plants & Decoration	614.03
Mowing - South / Pool Area	250.00
North Reserve - Mowing	1,485.00
Playground Equipment	61.37
Street Lights	593.86
Tree Service	1,003.45
Total Repairs & Maintenance-	4,097.04
Taxes	
Property-	448.82
Total Taxes	448.82
Utilities	
Electric - Sth Cntrl Power Co	547.46
Resident - Reimbursed Electric	560.00
Total Utilities-	1,107.46
Total Expense	17,208.94
Net Ordinary Income	-6,098.94



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Accrual Basis

Chevington Woods Civic Association

Profit & Loss

January through December 2004

	Jan - Dec 04
Other Income/Expense	
Other Income	
Donations Received - Flowers	15.00
Earned Interest - Money Market	99.04
Total Other Income	114.04
Net Other Income	114.04
Net Income	-5,984.90

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Accrual Basis

Chevington Woods Civic Association
Balance Sheet
As of December 31, 2004

	<u>Dec 31, 04</u>
ASSETS	
Current Assets	
Checking/Savings	
National City - Checking	1,756.30
National City - Money Market	16,092.95
US Bank - Cert. of Deposit	-31.52
US Bank - Checking	-65.00
Total Checking/Savings	<u>17,752.73</u>
Accounts Receivable	
Accounts Receivable	9,420.00
Total Accounts Receivable	<u>9,420.00</u>
Total Current Assets	<u>27,172.73</u>
TOTAL ASSETS	<u><u>27,172.73</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Bal Equity	26,107.63
Retained Earnings	7,050.00
Net Income	-5,984.90
Total Equity	<u>27,172.73</u>
TOTAL LIABILITIES & EQUITY	<u><u>27,172.73</u></u>

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11/06/06

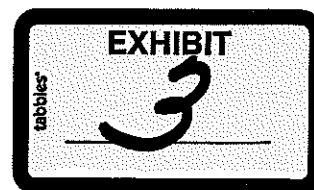
Accrual Basis

Chevington Woods Civic Association

Profit & Loss

January through December 2005

	Jan - Dec 05
Ordinary Income/Expense-	
Income-	
Annual Membership Dues	
Dues Waiver - Street Lights	-630.00
Annual Membership Dues - Other	11,730.00
Total Annual Membership Dues	11,100.00
Total Income	11,100.00
Expense	
Bank Service Charges	87.68
Community Activities	
Annual Garage Sale	33.84
Gifts and Donations	50.00
Total Community Activities	83.84
Insurance	
Liability Insurance	704.00
Total Insurance	704.00
Legal Fees	
CWCA vs Rozler	2,451.08
Deed Restriction Counsel	5,781.20
Total Legal Fees	8,232.28
Miscellaneous	
Signs	154.00
Miscellaneous - Other	61.54
Total Miscellaneous	215.54
Office Supplies	
Copies & Reproduction	180.59
Newsletter Printing	345.87
Paper Products	88.25
Postage and Delivery	355.27
Office Supplies - Other	110.19
Total Office Supplies	1,080.17
Repairs & Maintenance	
Cemetery	74.25
Entrances - Plants & Decoration	1,506.48
North Reserve - Maintenance	215.80
North Reserve - Mowing	350.00
Street Lights	232.55
Total Repairs & Maintenance	2,379.08
Taxes	
Property	461.36
Total Taxes	461.36
Utilities	
Electric - Sth Cntrl Power Co	611.66
Resident - Reimbursed Electric	410.00
Resident - Reimbursed Water	200.00
Total Utilities	1,221.66
Total Expense	14,465.61
Net Ordinary Income	-3,365.61
Other Income/Expense	
Other Income	
Donations Received - Flowers	20.00
Earned Interest - Money Market	211.63
Total Other Income	231.63



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Accrual Basis

Chevington Woods Civic Association

Profit & Loss

January through December 2005

	Jan - Dec 05
Other Expense-	
Uncollectable Dues - Owner Moved	1,020.00
Total Other Expense-	1,020.00
Net Other Income	-788.37
Net Income	<u><u>-4,153.98</u></u>

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11/06/06

Accrual Basis

Chevington Woods Civic Association
Balance Sheet
As of December 31, 2005

	<u>Dec 31, 05</u>
ASSETS-	
Current Assets	
Checking/Savings	
National City - Checking	2,456.97
National City - Money Market	12,971.78
Total Checking/Savings	<u>15,428.75</u>
Accounts Receivable	
Accounts Receivable-	7,590.00
Total Accounts Receivable	<u>7,590.00</u>
Total Current Assets	<u>23,018.75</u>
TOTAL ASSETS	<u><u>23,018.75</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Bal Equity	26,107.63
Retained Earnings	1,065.10
Net Income	-4,153.98
Total Equity	<u>23,018.75</u>
TOTAL LIABILITIES & EQUITY	<u><u>23,018.75</u></u>

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11/06/06

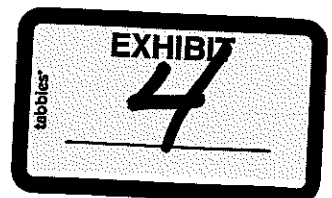
Accrual Basis

Chevington Woods Civic Association

Profit & Loss

January through September 2006

	Jan - Sep 06
Ordinary Income/Expense-	
Income-	
Annual Membership Dues	
Dues Waiver - Street Lights	-600.00
Annual Membership Dues - Other	11,700.00
Total Annual Membership Dues-	11,100.00
Total Income	11,100.00
Expense	
Bank Service Charges-	69.83
Community Activities	
Annual Garage Sale	35.16
Christmas & Santa	62.81
Easter Egg Hunt-	348.00
Total Community Activities-	445.97
Contributions-	50.00
Insurance-	
Liability Insurance	1,000.00
Total Insurance	1,000.00
Legal Fees-	
CWCA vs Rozler-	1,125.00
Deed Restriction Counsel-	818.80
Total Legal Fees-	1,943.80
Miscellaneous-	20.00
Office Supplies-	
Copies & Reproduction-	93.15
Dues Invoicing & Notices	74.70
Newsletter Printing	551.64
Paper Products	171.85
Postage and Delivery	551.77
Office Supplies - Other	87.53
Total Office Supplies-	1,530.64
Repairs & Maintenance	
Entrances - Plants & Decoration	1,102.97
North Reserve - Maintenance-	1,064.63
Playground Equipment	2,664.82
Street Lights-	174.08
Total Repairs & Maintenance	5,006.50
Taxes-	
Property-	472.80
Total Taxes	472.80
Utilities	
Electric - Stn Cntrl Power Co	375.48
Resident - Reimbursed Electric	100.00
Total Utilities	475.48
Total Expense	11,015.02
Net Ordinary Income	84.98
Other Income/Expense	
Other Income	
Donations Received - Flowers	25.00
Earned Interest - Money Market	90.75
Total Other Income-	115.75



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11/06/06

Accrual Basis

Chevington Woods Civic Association

Profit & Loss

January through September 2006

	Jan - Sep 06
Other Expense-	
Uncollectable Dues -Owner Moved	750.00
Total Other Expense	750.00
Net Other Income	-634.25
Net Income	-549.27

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11/06/06

Accrual Basis

Chevington Woods Civic Association

Balance Sheet

As of November 6, 2006

	<u>Nov 6, 06</u>
ASSETS-	
Current Assets	
Checking/Savings	
National City - Checking	678.23
National City - Money Market	13,301.25
Total Checking/Savings	<u>13,979.48</u>
Accounts Receivable	
Accounts Receivable	8,490.00
Total Accounts Receivable	<u>8,490.00</u>
Total Current Assets	<u>22,469.48</u>
TOTAL ASSETS	<u><u>22,469.48</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Bal Equity	26,107.63
Retained Earnings	-3,088.88
Net Income	-549.27
Total Equity	<u>22,469.48</u>
TOTAL LIABILITIES & EQUITY	<u><u>22,469.48</u></u>

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stan@dritzlaw.com

Stanley B. Dritz
Attorney at Law

Melissa R. Lipchak
melissa@dritzlaw.com

December 8, 2006

Via facsimile, e-mail and regular U.S. mail


Timothy S. Rankin, Esq.
Onda, LaBuhn, Rankin & Boggs Co., L.P.A.
266 North Fourth Street, Suite 100
Columbus, OH 43215-2511

Re: Chevington Woods Subdivisions

Dear Mr. Rankin:

This letter is to inform you that on Monday, December 11, 2006 at approximately 1:30 p.m., I intend to file a Complaint with the Fairfield County Court of Common Pleas in the above-captioned matter. At that time, I also will be seeking a Temporary Restraining Order that requests that the defendants in this matter be prohibited from performing any further acts, holding an annual meeting and an election, or continue to expend funds of the corporation.

Sincerely,


Melissa R. Lipchak

MRL/cjy

