

Mission Manor at Ray Ranch
Homeowner's Association
Board Meeting Minutes
March 23, 2016

Members present: Ross Thomas, Gerry DaRosa, Warren White, Rick Palmatier, Jose Davila

Other attendees: Christine Yost (TCPM)

Homeowners present: Mark Stringer

Location: Nate's Third Base, 1949 W Ray Rd, Ste 11, Chandler

The Meeting was called to order at 7:03 p.m.

Homeowners forum: The Board heard a presentation regarding the concerns for posting of payments & an apparent lack of notice regarding the change in TCPM's mail drop for receipt of monthly assessment amounts. It was noted by TCPM that the notice was sent with the payment coupon books in November 2014, and also by a direct letter to those owners who paid electronically as a direct EFT. That notice provided that there would be an automatic forwarding through October 2015, but that changes would need to be made by the individual homeowners. For those paying with the coupon book, there was no error as the address was corrected on those coupons when prepared.

Minutes: The Meeting Minutes from Jan. 14, 2016, were previously distributed. Upon review, no corrections were noted – G. DaRosa motion, R. Thomas second, APPROVED unanimously

Treasurer's report: The Financial Reports were previously distributed and summarized by W White. The Board discussed the concerns from TCPM regarding the Reserve Study (previously voted at the January meeting, cost \$490, which is now signed) – R. Thomas motion, R. Palmatier second, APPROVED unanimously.

Old business:

- Trees – DLM quote for 8 ea. 24", 36", & 48" trees, recommended tree being a desert museum Palo Verde; the Board discussed the relative size vs. cost from the proposal, opting for 8 trees at the 24" box size, discussion of placement along Linda & the greenbelt areas rather than along Dobson; R. Thomas motion, J. Davila second, APPROVED unanimously
- Wall repairs – CNF received the certified letter, yet no response, now with warranty claim issues of crack & failing stucco; W. White to speak with known subcontractor about potential repair; the Board discussed the option of turning

the matter over to an attorney vs. hiring another contractor & deducting that cost from the retained payment; TABLED

- Monument reconstruction – only 2 responses on the request for proposal for the front monument (AV Builder, \$2,172, who includes electrical; Goodwill, \$1,628, current electrical contractor for project); the Board discussed getting clarification that the project needed to include replacement lettering & needed clarification on an apparent typographical error; subject to those clarifications, R. Palmatier motion, W. White second, APPROVED to contract with Goodwill
- 2016 Management Contract – edits previously made by G. DaRosa regarding commercially accepted standards of care & TCPM precluded to hiring employees on for the Board; edits will be sent back to TCPM for final action; TABLED

New business:

- Selection of meeting dates for remainder of the year – TABLED until May meeting
- Need for nomination cards to go out before meeting, R. Palmatier & J. Davila terms to expire, both agree to serve again; consensus of the discussion was that write-in candidates is most appropriate process

The meeting moved to Executive Session at 8:38 p.m.

The meeting was adjourned at 9:10 p.m.

Time & place for next meeting: **Annual Homeowners' meeting, May 11, 2016, 6:00 p.m., driveway of lot #10**

Submitted by: R. Palmatier, 3/28/2016

Approved:

Mission Manor at Ray Ranch
Homeowner's Association
Executive Board Meeting Minutes
March 23, 2016

Members present: Ross Thomas, Gerry DaRosa, Warren White, Rick Palmatier, Jose Davila

Other attendees: Christine Yost (TCPM)

Homeowners present: N/A

Location: Nate's Third Base, 1949 W Ray Rd, Ste 11, Chandler

The Meeting was called to order at 8:38 p.m.

- The Board continued the discussion regarding Lot #24's concerns on the accounting for his payments. He provided the Board with copies of his bank statements showing rejected payments & his attempts to pay specific additional amounts & fees consistent with notice letters from TCPM. Those payments are made on-line - thus he did not receive a coupon book that would have corrected the mailing address. He indicated he never received the separate November 2014 mailing on changing the payment address.

TCPM had previously provided the account records - there is a long standing record of timely payments, no delinquencies, & in fact advance payments. Notes within that database show the recent conversations between the homeowner & the finance office at TCPM - typically immediately after delivery of the mail notice. This, in the Board's opinion, verified the homeowner's attempts to resolve the payment problem. The homeowner maintained that he was not told of the address change until February 2016 - at which time he immediately corrected the payment address. Such action is verified by the TCPM records - his records show a \$567 payment on Feb. 12, 2016, TCPM posted that amount to his account on Feb. 24, 2016. TCPM believes he was told early in the conversations that the address had changed.

The homeowner provided the original notices he received regarding the intent to place a lien against his property. Both notices provide an amount that was then due, and gave him a 15 day period to respond and bring matters current. The first notice, dated Dec. 31, 2015, was postmarked Jan. 8, 2016, for \$160. The second, dated Jan. 30, 2016, was postmarked Feb. 10, 2016, for \$376. The lien was filed with the County Recorder on Jan. 27, 2016. The delayed postmark dates were very relevant in the Board's view.

TCPM indicated that the Jan. 30th letter was sent in error, and that a revised checks & balance procedure has been instituted. The accounting office held off on filing the lien after the Dec. 31, 2015, notice when the homeowner contacted the office regarding that payment. The homeowner's bank records show an attempted transfer of the amount of

the delinquency on that same date - which was rejected for deposit. Under TCPM's interpretation of their authority pursuant to a 2009 policy, they were justified in filing the lien within 15 days of the Dec. 31, 2015 notice - they held off in light of the homeowner's assurance that payment would be made on Jan. 11, 2016. When no payment was received, the lien was then filed on Jan. 27, 2016. The Jan. 30, 2016, letter was thus sent in error.

The homeowner requested, during his presentation, that the lien be immediately released, that the cost of the lien fee be reversed against his account, and that the Board consider waiving the 3 months of accumulated late fees.

The notice letters both provide a specific address to which the accrued delinquency was to be mailed. This apparently was not done by the homeowner - he continued to use the EFT process through his bank. This resulted in delays & rejected payments.

The Board discussed the total circumstances - past payment history, responses to the letters that are confirmed by the accounting records, the private banking records for the homeowner showing the attempted payments, & the postmark dates on the notices.

There being no further discussion, R. Thomas moved to waive the late fees, to reimburse the \$150 lien fee from the HOA funds, & direct an immediate release of the lien, R. Palmatier second, APPROVED unanimously

The Board requested that TCPM let the homeowner know of the decision by e-mail, with a follow-on providing of copies of the release of the lien & the requested accounting that shows "reversal" of the late fees and the lien filing fee.

- The Board next discussed its dissatisfaction with the policy that allowed the lien decision & fee to be imposed without a Board vote. R. Thomas moved to remove that authority & revise the policy to require the Board to approve such actions in the future, G. DaRosa second, APPROVED unanimously

There being no further matters for the Executive Session, the Board adjourned at 9:10

Submitted by: R. Palmatier, 3/28/2016

Approved: