

**3 CHERRY WAY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
MEETING MINUTES OF AUGUST 13, 2024**

1. CALL TO ORDER:

The meeting was called to order by T. Smith August 13, 2024, at 9:30 AM in the 3 Cherry Way Community Center. T. Smith informed the group that the meeting was being recorded to ensure quality and accuracy in our minutes.

2. ROLL CALL:

A roll call was taken of the Board of Director members by M. Barnes, Recording Secretary. As indicated below, there were five directors in attendance, a quorum.

<u>OFFICE</u>	<u>OFFICER</u>	<u>ATTENDANCE</u>
President	Tony Smith	Yes
Vice President	Jim Dellinger	Yes
Treasurer	Karry Brockman	Yes
Recording Secretary	Marge Barnes	Yes
Corresponding Secretary	Cindy Dubac	Yes

3. AGENDA APPROVAL:

- A. C. Dubac/M. Barnes: Motion to approve the meeting agenda (with additions or deletions)
Passed, unanimously.

4. APPROVE MINUTES:

- A. K. Brockman/C. Dubac: Motion to approve the July 9, 2024, 3CW Standard BOD Meeting Minutes.
Passed, unanimously.

5. OLD BUSINESS:

- A. Receive and file Resolution without a Meeting for the 3 Cherry Way HOA to replace selected bushes in the community beginning with Royal Anne, Sweet Cherry, and Clubhouse areas of the community according to the Landscape Plan furnished to the BOD by the Landscape Ad hoc Committee at a cost not to exceed \$10,000.00. **Pending final approval by the BOD.**
- B. Receive and file Resolution without a Meeting and Conflict of Interest to authorize the 3 Cherry Way HOA to enter into a contractual agreement with LKN Pressure Washing & Home Services, LLC, 157 Blue Ridge Trail, Mooresville, NC 28115 to pressure wash the Clubhouse fascia, soffit and gutters, the pool deck, sidewalks to the pool, brick columns and steps to Clubhouse at a cost not to exceed \$1500.00. **Completed.**
- C. Receive and file Resolution without a Meeting for Mr. Handyman of Mooresville, 121 N. Commercial Dr., Suite C, Mooresville, NC 28115 to install eight (8) posts, bollards, and chain at mailbox building. In addition, the purchase of river rock to be installed by HOA volunteers at a cost not to exceed \$3500.00. **Completed.**

6. NEW BUSINESS:

- A. K. Brockman/C. Dubac: Receive and file Resolution without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with Mr. Handyman of Mooresville, 121 N. Commercial Dr., Suite C, Mooresville, NC 28115 to perform maintenance repair, caulk, paint window trim at 8276 Merchant Ct. per inspection report done on property for sale. Closing was August 2, 2024. Price not to exceed \$1,000.00.
Passed, unanimously.

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- B. M. Barnes/K. Brockman:** Receive and file Resolution without a Meeting to authorize 3 Cherry Way HOA to enter into a contractual agreement with Mr. Handyman of Mooresville, 121 N. Commercial Dr., Suite C, Mooresville, NC 28115 to perform maintenance repair, caulk, paint window trim and lentils and secure soffit and vents at Sweet Cherry Ln. and Sonata Ct., Lots 121, 122, 123, and 124 as needed at a cost not to exceed \$2,000.00. Passed, unanimously.
- C. K. Brockman/C. Dubac:** Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase a two-microphone system for use during HOA meetings at a cost not to exceed \$100.00. Passed, unanimously.
- D. J. Dellinger/K. Brockman:** Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase six (6) umbrella bases for the pool area at a cost not to exceed \$525.00. Passed, unanimously.
- E. C. Dubac/M. Barnes:** Receive and file Resolution Without a Meeting to authorize 3 Cherry Way HOA to purchase two (2) signs for the pool gates that read, "For Residents and Guests Only" at a cost not to exceed \$200.00. Passed, unanimously.
- F. C. Dubac/K. Brockman:** Review and Approve the Residential Rental Lease Agreement for 2484 Early Richmond Ct. Passed, unanimously.
- G. C. Dubac/K. Brockman:** Review and Approve 3 Cherry Way Architectural Standards and Guidelines. Passed, unanimously.
- H. C. Dubac/M. Barnes:** Review and Approve 3 Cherry Way Landscape Standards and Guidelines. Passed, unanimously.
- I. K. Brockman/J. Dellinger:** Review and Approve the request for Architectural or Landscaping Change for 8411 Bing Cherry Dr., to install a handrail to front steps. Passed, unanimously.
- J. J. Dellinger/K. Brockman:** Review and Approve the request for Architectural or Landscaping Change for 2121 Ravenal Ct. to remove the crepe myrtle in front of the home. Passed, unanimously.
- K. M. Barnes/K. Brockman:** Review and Approve the request for Architectural or Landscaping Change for 8204 Chelan Ct. to remove the crepe myrtle in front of the home. Passed, unanimously.
- L. J. Dellinger/M. Barnes:** Review and Approve the request for Architectural or Landscaping Change for 8430 Bing Cherry Dr. to trim the rose bushes in front of the home. Passed, unanimously.
- M. J. Dellinger/M. Barnes:** Review and Approve the request for Architectural or Landscaping Change for 8350 Ulster Ct. to remove the crepe myrtle in front of the home. Passed, unanimously.
- N. J. Dellinger/C. Dubac:** Review and Approve the request for Architectural or Landscaping Change for 2325 Sylvia Ct. to install gutter guards to existing gutters. Passed, unanimously.

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7. TREASURERS REPORT: (K. Brockman)

A. C. Dubac/M. Barnes: Receive and file Superior Mgt. June 2024 financials documents.

Passed unanimously.

1. **K. Brockman, Treasurer:** Referred to the summary report and the Superior financial report for June 2024, briefly explained the current status of 3CW's financials.
 - a) Operating Account at the end of June 2024 was a little above budget year-to-date.
 - b) Of the seven (7) categories listed on the summary, we are over budget on five (5) categories.
 - (1) Due to some of the expenses being higher in the summer such as utilities and pool maintenance.
 - (2) Landscaping is over by \$11,000.00.
 - (3) Building Maintenance is under budget.
 - (4) Pool is over budget by about \$4,000.00
 - (5) Recreational is slightly under.
 - (6) Utilities are under.
 - (7) Administrative Costs are over.
 - (8) Contracts are under budget.
 - c) For the month of June, we were over budget by about \$11,000.00.
 - d) We just received the July 2024 financials and the amount over budget is coming down to about \$7,000.00.
 - (1) This will continue to go down as we get into the fall and winter months.
 - e) Net income at end of June 2024 was approximately \$93,000.00.
 - f) Operating Account at the end of June 2024 was \$54,000.00+.
 - g) Pre-Reserves Account at the end of June 2024 had \$41,000.00.
 - h) S. A. Stone Account at the end of June was \$1,105,371.00.
 - i) In the month of July, we moved \$41,000.00 to the S.A. Stone Account to invest in a CD.
2. The total of all of the investments made this year to S.A. Stone to CDs \$112,000.00.
 - a) This is favorable because our budget for funding the S.A. Stone Account in 2024 is \$120,000.00.

8. ACC STATUS REPORT:

A. Melanie Mellenthien: Thank you for all that attended the Open Forum meeting.

B. Pat Mercier: Thank you BOD for adding us to the agenda. We appreciate the opportunity. We look forward to serving the community. Please reach out to me or Melanie if you have questions.

9. OFFICERS' STATUS REPORTS:

A. T. Smith, President:

1. Thanked the community for all the work that the volunteers do helping to get things done here.
 - a) At some point it might be nice to see how much the volunteers have saved this community.
 - b) Charlie Mellenthien has been helping the community by removing the crepe myrtles.
 - c) Having someone come into trim or remove a bush or a tree is expensive, and I wanted to let everyone know how much we appreciate our volunteers.
2. We have been through a rainy season. Some people have reported that their personal rain gauges measured 5 to 6 inches over a couple days of rain.
 - a) We have had some issues where the water has backed up drastically.
 - b) We are in the process now of trying to figure out what we need to do to get that fixed.
 - (1) We have a company looking at what they can do to fix the situation.
3. The pond came up all the way to the top of the area, but it has drained back down.

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4. There are people building homes behind the Clubhouse, and they have a vested interest on how our water gets drained down onto their property.

C. J. Dellinger, Vice-President:

1. We are in a period of time where we are negotiating with several companies a landscape contract for next year.
 - a) I have had serious discussions with the current landscape contractor about trimming the bushes.
 - b) We had a wet spring that pushed landscape issues back and then we had a drought. Now it is raining again.
 - c) Handling the landscaping here is complicated.
2. Insurance – I am ready to prepare a report to the BOD of the insurance violations which are:
 - a) No policy on file.
 - b) No policy that lists 3 Cherry Way as an interested party.
 - c) It is the same 4 people that were listed prior to my taking over the insurance from Jim Mercier.

D. K. Brockman, Treasurer:

1. The work that J. Dellinger and other Board members do to renew contracts all feeds into preparing the budget for 2025.
 - a) The BOD has begun working on the 2025 Budget and will continue at each working meeting until November when it will be presented to the community.

E. C. Dubac, Corresponding/Record Retention Secretary:

1. I also wanted to thank Charlie Mellenthien for going around and cutting down the crepe myrtles, and also T. Smith, K. Brockman and J. McClellan and others who have volunteered to help care for our community.
2. I am in the process of preparing a 2025 budget for K. Brockman for the Clubhouse, and I am working with Donna Kelly on that.
 - a) Also, the pool budget needs to be done as well. This will include caulking the pool all around the perimeter that needs to be fixed. David Kelly has been instrumental in helping me with the pool. I have contacted AquaTech, and they will be sending their engineer out to look at the caulking.
 - b) I am also working on the ACC budget for 2025.
 - c) If you have any questions concerning the ACC, please send them to me.
 - d) We will be scheduling a meeting with the people affected by the planting to answer any questions or concerns about the planting the replacement bushes this fall. All of our Governing Documents except the CC&Rs, which are very difficult to change, are living, breathing documents and can be changed.

10. RESIDENTS COMMENTS/Q & A:

A. Q&A discussions included:

1. Phyllis Wilson, 8348 Glacier Dr., Some of my questions have to do with the ACC Guidelines that you just approved. I really didn't get answers to my questions and wonder why these could be approved when there were unanswered questions.
 - a) *BOD Comment: C. Dubac:* They were approved without answered questions because there are a lot of unanswered questions on the Governing Documents. If we wait to approve Documents until every T is crossed and every I is dotted, we would never have approved documents.
2. What are the enforcing guidelines for violations against the ACC. When will those be published and what will be the charges for infractions?

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3. Also, what about everything that has been done up to this point. Is all that going to be “grandfathered” in as approved? Christmas wreaths hanging on brick walls, artificial flowers in baskets hanging on brick walls for instance. Will these be violations?
 - a) *BOD Comment: C. Dubac:* There is a Fees and Fines Schedule in place, and I am making revisions to it for the ACC. I will be bringing that to the BOD next week. The goal is to work on this quickly and get it out to the community as soon as possible. We also need to meet with Superior.
 - (1) For over 12 years, this community has not had any official guidelines regarding architectural or landscaping. The builder okayed some things for some people and not for others. I do not have an answer today. At this time, no one is going to be coming around on a golf cart and issuing violations. There will be some things addressed in the community because they are not aesthetically pleasing.
 - (2) The effective date is 1/1/2025.
 - b) *BOD Comment: T. Smith:* There are several months before the Standards and Guidelines go into effect.
 - c) *ACC Comment: P. Mercier:* Even though the effective date is not until 2025, the hope is that people will use that time to prepare for when the Standards and Guidelines go into effect.
4. I have one other question that has to do with 8380 Glacier Dr. that recently sold next to us. It is my understanding that it was purchased by an LLC. How does that work for rentals and how many are allowed? It is listed on the Register of Deeds as owned by an LLC. *BOD Comment: M. Barnes:* I receive documents from Superior after a property has been sold. I do not recall the name on the documents for that property which I forwarded on to C. Dubac to update the membership list. One person’s name was on all of the documents for that property. *P. Wilson:* I heard from another neighbor that a lady purchased the home for her 83-year old sister from Arizona. *BOD Comment: T. Smith:* As far as the rentals, there is no rental policy as to how many we can have. We will add it to our list of known rentals and how it is going to be done as far as moving in a family member. The only rule we have as far as LLCs are concerned is each LLC can only own 4 units per our Covenants.
5. Also on 8380 Glacier Dr., there was roofers there repairing the roof. *BOD Comment: T. Smith:* That was on the owner and not on the HOA.

B. Judy Okoniewski, 2228 Cashmere Ct.,

1. The gutter guards – is the owner paying for the gutter guards? *BOD Comment: Yes.*
2. Talking about the value of your home., Just walk the main street and look at the home that have very high weeds. Our grass hasn’t been cut in 3 weeks. There is no one “up their butt” to clean up the weeds and trim the bushes. They are doing a terrible job. Get a landscaper that knows landscaping. They’re still getting \$12,500.00 per month to do nothing at all. *BOD Comment: T. Smith:* They are doing something. There are different opinions on whether they are doing a good job or not. Judy made the comment that no one is up their butt. I promise you that someone is up there. We cannot go and drag them out here to do the work. All we can do is look at what they are doing. We have a contract; they are meeting part of the contract, and they are not meeting other items in the contract. We are in negotiations with other landscaping companies. We had a landscape company this week drop out and tell us they did not want the contract because they felt they could not do the job. *ACC Comment: M. Mellenthien:* One of the things we did on the Standards and Guidelines was to designate that 4-foot area right in front of the house to be HOA bushes. The bushes we are planning on putting in this fall are bushes that landscapers cannot ruin, and they are bushes that grow only 6” to 8” a year. Landscapers traditionally work on corporate areas like a hospital, and they don’t look at our community as a residential area. We want the

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landscape to be easier on a landscape contractor. The area 4' from the house is where the homeowner would be taking care of vs. the contractor.

3. You have allocated \$10,000.00 for bushes. I would like to know how many bushes you are planning on putting in. Does this include somebody coming in to plant the bushes? Why \$10,000.00 that seems way too high. Also, is this a budgeted item? *ACC Comment: M. Mellenthien:* The price of bushes in the last five years has doubled. It is approximately \$60.00 per bush now. Also included is the cost of dirt for the new bush and the planting of the bush. We are looking at 166 bushes to be replaced this year. The \$10,000.00 is a budget figure that we could not go over. We are looking at \$7,000.00 to \$8,000.00. *BOD Comment: C. Dubac:* The ACC ladies went out and interviewed seven landscaping companies. The ACC narrowed it down to two contractors. The information was brought to the BOD and a decision was made. No contract has been signed yet. In addition to the purchase of the bushes, you're looking at the planting of the bushes, the dirt to be used in planting the bushes, the removal of debris, and you're looking at water. So the exact price will be less than \$10,000.00. One company has won the bid, and we are negotiating a contract presently. *BOD Comment: K. Brockman:* The money was budgeted for this project under the landscaping line item in the budget. Concerning this process that we have been talking about here, the \$10,000.00 was a way that the BOD could allocate monies up to that limit of \$10,000.00 such that the ACC can move forward with their planning activities and come forth with buying costs. It was a step to getting us going on replacing shrubs that were removed. The BOD has not approved a contract at this point, we approved a process to get us to the point where we approve a contract.

C. Dan Okoniewski, 2228 Cashmere Ct.,

1. A suggestion for when the Standards and Guidelines takes effect, is to allow members to turn in potential violations, have the violator notified, and file them for the future when the enforcement will begin to take place, and fines will be assessed.
2. Next suggestion is on the landscaping. This is a beautiful community that we all love. The current landscaper is way over his head. Why don't we split apart the contract into multiple contracts: one for grass cutting, edging and blowing, one for trimming the bushes and another one for the mulch.
 - a) In the Minutes from 7-9-2024, a question was asked by Gail Foster. She asked if the \$10,000.00 was budgeted for the bushes. T. Smith said there was no money in the budget for the bushes. *Actually, the Minutes for 7-9-2024 read, "The first item on the agenda says not to exceed \$10,000.00; is that a budgeted item or is that money coming from another line item in the budget? BOD Comment: T. Smith: It will come out of the landscaping line item, but we did not previously budget for that. As we review our funds, we needed to get bushes replaced. So, K. Brockman and the Audit Team are taking a really hard look to see if the funds are available to do each item before it is done."* You just told Judy that there was money budgeted for the bushes. *BOD Comment: T. Smith:* I probably misspoke a bit on the bushes. We didn't put it in the Budget for 2024, but as the year progressed K. Brockman looked at the Budget and has looked at what we have been spending and what we have not been spending and said we can do the replacements.
3. The Reserve Studies for 2024 show concrete this year for sidewalks and gutters would cost \$20,000.00 to \$30,000.00 this year. Is that correct and will it take place this year? *BOD Comment: T. Smith:* Yes, the Reserve Study did recommend doing that this year. We have been in contact with a company called The Driveway Company that takes care of concrete and pavement in shopping centers and HOAs. We've been in touch with them to begin looking through the community to see where we need to start doing that. We did not do any of that this year. We are looking at doing it next year unless we see a safety issue that needs to be addressed sooner.

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4. The Reserve Study did not have any money allocated to the pond and did not have any money for the trees on the berm. Is that correct? *BOD Comment: K. Brockman:* I would have to go back and take a look, but I believe you are correct.
5. Is there anything else that you are aware of now that is missing from the Reserve Study? *BOD Comment: K. Brockman:* Not that I am aware of. The important thing to be aware of is The Reserve Study is a guide. From year to year, we may pull monies forward and push them back. It all depends on other factors as we progress through the years. I look at the Budget as a measurement criteria. You do not change the Budget once you set it. You measure yourself against it as a way to bring guidance in to how you spend your money. It's best if we don't get hung up on the Budget as far as staying within it. We can overspend a budget item or underspend a budget item.
6. The Reserve Study dated for the year 2024 that we were going to put away \$165,000.00, but we, the community, decided to put away \$120,000.00. *BOD Comment: K. Brockman:* Yes, the Reserve Study was revised to have \$120,000.00 for this year.
7. Last year in November, we, the community, decided that we weren't increasing the dues. The statements this year have been, we are going to have to increase the dues. *BOD Comment: K. Brockman:* The BOD has not made any decisions, nor have we had any discussions on what the monthly assessment dues will be for next year. What we are doing right now is collecting information which will lead us to that decision. Specifically in the Reserve Study the amount of money that they allocated to go into the reserves next year is approximately \$183,000.00. Every year that number will go up year after year after year. The total expenses identified over the 30-year period is \$13,000,000.00 to cover all.
8. This is more of an information question that relates to what Phyllis Wilson was talking about. Our review, which was on July 31, was helpful. We were talking about what's going to be done and the timing. We are still talking about timing. How do we handle violations? Something occurred on the violations end that is taking our culture in the wrong way. John and Jeannie Gabor got a violation for their vehicle being at the end of their driveway for 3, 4, 5 days (I am not sure how long it was for). John received something from T. Smith that said they were in violation of the CC&Rs. There are a number of residents that do the same thing. I walk the dog in the morning, and I see the same cars there at bedtime and the same cars are still there in the morning. I don't know if they have received violations. They received a letter that said people had complained. That kind of culture is not a good culture. *BOD Comment: T. Smith:* The first thing I need to say is it is none of our business, as individuals, that someone received a violation. If that had not been brought up today, no one in the community would have known about this with John and Jeannie. It is being handled privately between the BOD and the individual. As far as going in the wrong direction, what we did was, and this is not the first time, we sent a courtesy letter via email. We are all neighbors and hope, for the most part, we are friends. Why do we want to slap somebody with a fine because maybe they just misunderstood. So, the BOD agreed to send a courtesy email to tell them that somebody had said you are violating this rule. It was stated that if you are not doing anything wrong, then simply ignore this email. The ACC Standard and Guidelines for architectural and landscape has an effective date of 1/1/2025. We could have made them effective date tomorrow and began to issue violations tomorrow afternoon. Is that right? No. Everyone now has the time to look at what they have and begin to make any necessary modification. Please, if you see a violation and it affects you, let us know. There is a policy to do it where you send the complaint directly to Superior. We have told Superior that they do not send out a violation until they have let the BOD know. If you receive a violation, you will not call Superior, but you will contact a BOD member to complain about the violation. *BOD Comment: C. Dubac:* We have the CC&Rs, the Bylaws and the Rules and Regulations that have been in effect along with the

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Violation Enforcement policy and the Fees & Fines Schedule. The two ACC documents, the Architectural and the Landscape Standards and Guidelines that will not go into effect until 1/1/2025.

- D. Judy Okoniewski, 2228 Cashmere Ct., There has been a truck parked on the street right behind you for years and I know you have seen it. Does this person get special dispensation? *BOD Comment: T. Smith:* This is a sore point with the BOD. We have been trying our best to see what to do. When the people on the berm bought their homes, they were given special permission by the Declarant to park there. They bought their homes with the understanding that they could park there. You are all upset about John getting an email that he decided to share with you all and you decided to share with the community. There were no fines or repercussions. It was simply a courtesy email saying we received a complaint. We are trying to figure out what to do. Think about it this way: you bought your home thinking that you could park at the end of the street on the berm because the Declarant told you this in writing and now it is being rescinded. Think about this as if it were you. We are trying to figure out a way that is most amicable for the most people. If somebody gets a violation or a courtesy email, the BOD has absolutely no intention of telling the community that they got it. That will be between the BOD and the individual.
- E. Margaret Schultz, 8520 Christalina Ct., If we trim our own bushes, will we receive a fine?
1. *BOD Comment: C. Dubac:* If you choose to trim your own bushes, it is your responsibility if you get hurt. You do not need permission, you don't have to fill out a request form, you just go ahead and trim your bush.
 2. A question from the audience was raised about the crepe myrtles being cut down, which required a request form stating that the homeowners are not allowed to remove a bush from the mulched area. A standard has been set by the BOD, that when someone requests their crepe myrtle be trimmed, that the crepe will be cut down. If you want a bush removed, you have to fill out an ACC request to have it removed.
- F. Pat Mercier, 8231 Rainier Dr., Thank you to Karry and whoever was with him. The day that we had the rain from Hurricane Debbie, I looked outside and thought that the car on the street had stopped way back from the stop sign on the street. I found out it was Karry who was looking at the drainage between our quad and the quad across the drainage area. I appreciate you taking the time to look at that drainage issue.
- G. Phyllis Wilson, 8348 Glacier Dr., So if we plant something that is over 18" tall, what will be the violation for that and what will be the assessment for that? *BOD Comment: C. Dubac:* At the Open Forum Meeting for the Standards and Guidelines, there were comments made to have a specific amount. You cannot monitor that. You have to have some kind of standards. I put together a document for Superior, and hopefully we can meet with them soon, which is a violation matrix. We cannot expect Superior to get out and measure a bush, but if there is a homeowner's plant that is reaching the roof then that is a problem. There is some leg room in the landscape standards. That is why the Standards and Guidelines were revised to say approximately or suggested. *ACC Comment: Melanie Mellenthien:* I have planted plants in my area that were only supposed to grow to 12" tall, but they grew to 3' tall. There are going to be plants that we all will have to give up or relocate; perhaps you can give them to friends or relatives. We will try to work with everyone, and if we have to revise it late, we will do so.

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11. BOD COMMENTS:

- A.** K. Brockman: Please try not to be critical of this. I have a suggestion that has to do with violation notices. Superior is very active and has been sending out assessment payment violations. This happens every month as there is always someone who is late. Superior sends out the first letter and there is a monetary fee that is charged if it doesn't get paid. Then they will send another letter, and it continues to add monetary fees to the homeowner's account. I monitor that list that Superior publishes, and if I see something that is a little unusual, such as someone being behind \$1,000.00. I will try to find out the circumstances that explains it. Maybe there is a health issue, maybe there is a person who is simply forgetting, or maybe they are sending the payment to the wrong address. So we try to explore those situations as to what the cause may be and try to find a solution to get those people back on track. Just an FYI to say the violation procedure is working in the area of assessment payments.
- B.** T. Smith: I promise you we are trying to work together to figure out how to make the place work. We want to be nice and not just walk around with a big stick to slap people with things. Things that you see that may not be the best, please send us an email. We check the email every day. Let's work together, and if you know of ways we can be better, let us know. We do not know all the answers. Suggestions that Dan made are good suggestions, and we will look at them.

12. ADJOURNMENT: J. Dellinger/K. Brockman: Adjourned the 3CW HOA BOD Meeting August 13, 2024, at 10:58 AM in the 3CW Community Center.