

RED OAK HILLS HOMES ASSOCIATION, INC.

Board Meeting Notes

Date: December 14, 2021

Time: 6:30pm - 8:30pm

Location: Holiday Inn Express – 17346 Midland Drive

Notes by: Tom Beckenbaugh

1. Call to Order: JC called the meeting to order at 6:30 pm.
2. Roll Call :

Present:

Jay Carlson – President (JC)	Tom Beckenbaugh – Vice President (TB)	Kelly Mason – Secretary (KM)	Nick Geib – Treasurer (NG)
Carole Collyard (CC)	Mark Jeffers (MJ) (partial)	Gary Turner (GT)	

Absent:

Denise Beatty (DB)	Joe Bellinger (JB)		
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3. Officer Reports

a. President:

- JC welcomed the new Board and expressed optimism that many good things can be accomplished by the group.

b. Vice President:

- TB shared Attachment “A” with the Board (Property Statistics, a map identifying vacant lots and a map identifying lots owned by Homes Association members). Key points:
 - i. There are 273 lots within the boundary of Red Oak Hills, 267 of which have a home.
 - ii. 198 lots are owned by Homes Association members (72.5% of all lots). 60 additional lot owners within Red Oak Hills pay dues and are affiliated with the HOA.
 - iii. 15 lot owners do not pay dues and are not affiliated with the Homes Association. KM noted that one of these 15 owners, the property owner at 17409 Elmridge may be interested in joining the Homes Association; **GT agreed to contact this resident.**
 - iv. Of the 273 lots in Red Oak Hills, 241 are bound by either the 1979 Original Restrictions or the 1984 First Amended Restrictions (88.3% of all lots).

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- TB shared Attachment “B” with the Board outlining the primary differences between Rules, Bylaws and Property Restrictions and distributed a map identifying lots in Red Oak Hills bound by property restrictions. Key points:
 - i. Rules, which are established by the Board, govern the use of Red Oak Hills common areas. Common areas are portions of the subdivision not owned by individual lot owners.
 - ii. The Bylaws establish various requirements and procedures under which the Homes Association operates.
 - Only members of the Homes Association are eligible to vote on changes to the Bylaws.
 - iii. Property Restrictions in Red Oak Hills limit certain activities, limit what can be built and limit what can be stored or placed on a property.
 - 241 lots in Red Oak Hills have property restrictions, 32 lots do not have restrictions. The Homes Association does not have the authority to impose property restrictions on these 32 lots.
 - Membership in the Homes Association does not necessarily determine whether or not a property is bound by property restrictions.
 - Only lot owners bound by restrictions are eligible to vote on changing the property restrictions on their lot.
 - Property use limitations described in both the 1979 Original Restrictions and 1984 First Amended Restrictions are the same, except the 1984 Restrictions included a paragraph intending for all 187 affected lots to be Homes Association members. Currently 5 of these properties are not listed in HOA records as members. **CC agreed to contact a title company for assistance to determine if these 5 lot owners are required to be members and therefore would be eligible to vote on Homes Association matters, such as Board elections and bylaws changes.**
- c. Secretary:
 - KM noted that several updates to the website have occurred in the last few weeks, but that updating the current website is cumbersome and consideration should be given to rebuilding the website. Following discussion, it was agreed that having a website is a valuable communication tool. **KM will investigate options to rebuild the site and present recommendations at a future Board meeting.**

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- KM expressed concern that Board members currently incur out of pocket expenses to fund HOA activities and sometimes reimbursement may take several weeks due to US Mail delays. **NG agreed to investigate options to expedite reimbursements such as a debit card or electronic payments, and present recommendations at the January Board meeting.**
 - In early January JC will draft an email to brief residents on future neighborhood activities and Board actions anticipated in 2022. As communications director, KM will send the email to residents on behalf of JC.
- d. Treasurer:
- NG noted that the Home Association's current bank does not allow payments via Venmo, and that some residents have expressed interest in making dues payments electronically. **NG will investigate banking options and present recommendations at the January Board meeting.**
 - NG noted that the HOA insurance carrier has been given an updated list of Board members. **NG will contact the insurance agent and ask them to present recommendations for adjustments to the current insurance program at the February Board meeting.**
4. Committee Chair Assignments: JC proposed committee chair assignments as listed below. Although not stated in the Bylaws, the consensus was that Board members should chair the various committees. Following discussion, a motion made by NG, seconded by CC to approve the committee chair assignments, which was then approved unanimously by the Board.
- a. Nominating - JC
 - b. Architectural/Roofing - TB
 - c. Recreation/Social – CC and KM
 - d. Maintenance – JB (to be confirmed by JC)
 - e. Audit - MJ
 - f. Welcome - GT
 - g. By-laws Amendments - TB
 - h. Restriction Amendments – TB, MJ agreed to serve on this committee
 - i. Rules (governing common areas) - JC
 - j. Directory – DB, GT noted he was in discussions with DB on this topic.

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5. Review and approval of the 2022 budget: NG presented a proposed 2022 budget. Following discussion and adjustments to several line items, a motion was made by TB, seconded by MJ to approve the 2022 was budget, which was then unanimously approved by the Board. To comply with the bylaws, the budget is included in these meeting notes and the notes will be posted to the website. **KM will make arrangements with the newsletter editors to note in the January newsletter that meeting notes are available for the residents to review on the website.** The 2002 budget is as follows:

2022 Budget

Sources of Funds

Dues	\$ 87,730.00
Transfer Fees & Interest	\$ 500.00
Total	\$ 88,230.00

Operating Expenses

Capital Expenditures	\$ 3,500.00
Electric	\$ 400.00
Legal	\$ 3,750.00
Insurance	\$ 1,100.00
Maintenance	\$ 21,000.00
Office Supplies	\$ 1,750.00
Trash & Recycling	\$ 45,749.18
Reserve for Future Trash Increase	\$ 1,372.48
Social Activities	\$ 5,500.00
Storage Rental	\$ 912.00
Water	\$ 1,600.00
Website	\$ 450.00
Welcome Committee	\$ 350.00
Total	\$ 87,433.66
Net Profit (Loss)	\$ 796.34

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6. Review and approval of the 2022 annual dues assessments: NG noted that dues statements will be mailed to residents in late December; assessments for 2022 will remain the same as 2021. Payments are due before February 15, 2022. An email reminder will be sent to residents in late January.
7. Discussion of current roofing restrictions and violations: Due to time constraints this agenda item was postponed until the January 2022 meeting.
8. Resident comments: No non-board members were present.
9. Other Items: The next meeting will be on Tuesday, January 11, 2022 at 6:30-8:00 pm at the Monticello Library.
10. A motion to adjourn the meeting was made by NG, seconded by TB and then unanimously approved by the Board at 8:35 pm.

ATTACHMENT "A"
RED OAK HILLS PROPERTY STATISTICS
December 14, 2021

Within the platted boundary of Red Oak Hills:

- **273 total lots**
 - 267 homes
 - 4 "side" lots
 - 1 "split" lot
 - 1 vacant lot

Homes Association Membership:

- **198 Member lots (72.5% of total lots)**
 - Includes 182 of the 187 lot owners intended by the First Amended Restrictions to be Members.^{1,2}
 - Includes 16 additional lot owners that signed a Declaration of Servitude.³
- **75 Non-member lots (27.5% of total lots)**
 - 60 Non-member lots pay dues (22.0% of total lots)⁴
 - 15 Non-member lots do not pay dues (5.5% of total lots)⁵
- 255 properties paid dues in 2021
 - **193 Members paid dues in 2021 (75.7% of dues collected).**
 - Dues are not assessed on the 4 "side" lots owned by Members.
 - Dues are not assessed on the 1 "split" lot owned, in part, by a Member.
 - 2 property owners outside the boundary of ROH paid dues.

Property Restrictions:

- **241 Lots in Red Oak Hills are bound by property Restrictions (88.3% of total lots)**
- **No Restrictions: 32 lots**
 - 3 lots (or 9.4%) are owned by Members that have signed a Declaration of Servitude.
- **1979 Original Restrictions / 1999 Amendment: 54 lots**
 - 13 lots (or 24.1%) are owned by Members that have signed a Declaration of Servitude.
- **1984 First Amended Restrictions / 2004 Amendment: 187 lots**
 - The First Amended Restrictions intended for all 187 lot owners to be Members.¹
 - The 187 lot total includes the split lot at 6737 Millcreek Road owned by the 6733 Millcreek and 6805 Millcreek property owners.

¹ See numbered Paragraph 20, 1984 First Amended Restrictions.

² Includes the split lot at 6737 Millcreek Road owned by the 6733 Millcreek and 6805 Millcreek property owners.

³ Based on the Declaration of Servitude log.

⁴ Includes 4 lot owners intended by the 1984 First Amended Restrictions to be Members.

⁵ Includes 1 lot owner intended by the 1984 First Amended Restrictions to be a Member.

ATTACHMENT "A"



ATTACHMENT "B"
RED OAK HILLS HOMES ASSOCIATION, INC.

Rules, Bylaws and Restrictions

December 14, 2021

Rules

1. Purpose: To govern the use of Red Oak Hills common area. The Homes Association Bylaws Article IV, Section 1 states:

"the Board of Directors shall appoint (c) A Rules Committee which shall prepare a set of rules and amendments thereto from time to time, governing the use of subdivision streets and common area by members and the public; such rules to be of no force and effect until approved by a majority vote of the Board;"

2. Amendments: Common area Rules can be amended at any time by a majority vote of the Board.
3. Enforcement: The Board is responsible for the enforcement of the Common area Rules. Public streets are under the authority of City of Shawnee ordinances and enforcement is the City's responsibility.

Bylaws

1. Purpose: The Bylaws establish various requirements and procedures under which the Red Oak Hills Homes Association operates.
2. Amendments: The Bylaws can only be amended by a vote of Members of the Homes Association. Article VII Section 2 of the Bylaws states:

"...[the] Bylaws may be amended, at any regular or special meeting of the lot owners, by vote of a majority of a quorum of lot owners present in person or by proxy, or by resolution duly executed by a majority of the lot owners...."

3. Enforcement: The Board has the responsibility to follow and enforce the Bylaws.

Restrictions

1. Purpose: Property Restrictions in Red Oak Hills limit certain activities, limit what can be built and limit what can be stored or placed on a property. The majority, but not all of the 273 lots in Red Oak Hills are bound by property Restrictions. Lots are separated into 3 categories as follows:
 - Lots with No Restrictions – 32 lots
 - Lots included in the 1979 Original Declaration of Restrictions (and the 1999 Amendment) – 54 lots
 - Lots included in the 1984 First Amended Declaration of Restrictions (and the 2004 Amendment) – 187 lots

ATTACHMENT "B"
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Rules, Bylaws and Restrictions

December 14, 2021

Homes Association membership does not necessarily determine if a lot is included in Restrictions.

- No Restrictions (32 Lots)
 - The owners of 3 lots (or 9.4%) signed a Declaration of Servitude and are Members.
 - The owners of the remaining 29 lots are not required to be Members.
 - 1979 Original Declaration of Restrictions (54 Lots):
 - The 1979 Restrictions do not require any of the 54 lot owners to be Members.
 - The owners of 13 lots (or 24.1%) signed a Declaration of Servitude and are Members.
 - 1984 First Amended Declaration of Restrictions (187 Lots):
 - The 1984 Restrictions intended for all 187 lot owners to be Members.¹
 - There are 5 lot owners in the current Treasurer Directory not listed as Members.²
 - The 187 lot total includes the "split lot" at 6737 Millcreek Road owned by the 6733 Millcreek and 6805 Millcreek property owners.
2. Amendments: The 1979 Original Restrictions / 1999 Amendment can only be amended by a majority of the 54 lot owners bound by the 1979 Restrictions voting to make a change. Similarly, (and separately) the 1984 First Amended Restrictions / 2004 Amendment, can only be amended by a majority of the 187 lot owners bound by the 1984 Restrictions voting to make a change.
- The Homes Association can facilitate a vote to amend the 1979/1999 Restrictions, however all 54 lot owners must be offered the opportunity to vote on proposed changes, not just the 13 Members owning lots in this portion of Red Oak Hills.
3. Enforcement: The 1999 / 2004 Amendments to the 1979 / 1984 Restrictions states the following for enforcement of the Restrictions:

"The owner or owners of any part of said land, or Homes Association, if formed, shall have the right to sue for and maintain an injunction preventative or mandatory to prevent the breach or enforce the observance of any restrictions herein set forth. Failure to exercise the restrictions herein set forth at any time shall in no event be deemed to be a waiver of the right to do so thereafter, or waiver of future violations of said restrictions."

This provision grants the Homes Association the authority to enforce both the 1979/1999 and the 1984/2004 Restrictions, whether or not the lot owner is a Homes Association Member.

The Home Association Articles of Incorporation states the following:

"The purpose for which the corporation is formed are.....I. To enforce all covenants, restrictions, reservations, servitudes, profits, licenses, conditions, agreements, easements, and liens to which such real property is or may have become subject and which the Association shall have the right to enforce;"

Accordingly, one purpose of the Homes Association is to enforce the Restrictions.

¹ See numbered Paragraph 20, 1984 First Amended Restrictions.

² See Page 3.

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RED OAK HILLS HOMES ASSOCIATION, INC.

Rules, Bylaws and Restrictions

December 14, 2021

4. The 5 Lots included in the First Amended Restrictions that are not listed in the HOA Treasurer Directory as Members are as follows:

Plat	Block	Lot	Address	Member Status according to HOA Treasurer Directory
3	3	51	6654 Elmridge Road	Non-member paying dues
3	3	76	6907 Clairborne Road	Non-member
3	3	80	17230 W. 70th Street	Non-member paying dues
3	3	82	17222 W. 70th Street	Non-member paying dues
3	5	54	6726 Millcreek Road	Non-member paying dues

Membership status for these 5 lots requires further investigation.

**FIRST AMENDED
DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned, Red Oak Hills Partnership, is the owner of the following described real estate as recorded in the First Plat, Second Plat and Third Plat, RED OAK HILLS, Johnson County, Kansas, to wit:

Block 1, Lots 1-30 inclusive; Block 2, Lots 1-35 inclusive; Block 3, Lots 1-29 inclusive, 30-43 inclusive, 45-49 inclusive, 51, 52, 54-57 inclusive, 59-66 inclusive, 68, 69, 72-74 inclusive, 76, 80-82 inclusive; Block 4, Lots 1-4 inclusive; Block 5, Lots 1, 2, 3, 6, 7-36 inclusive, 51-54 inclusive; Block 7, Lots 2, 4, 5, 10, 11, 12 and 14, all in RED OAK HILLS, a subdivision in the City of Shawnee, Johnson County, Kansas

20. A Homes Association may be formed by the developer or by any three owners of property within the above-described Red Oak Hills lots upon recordation with the Register of Deeds a Certificate of Substantial Completion by the developer, Red Oak Hills Partnership. Upon formation, the Homes Association shall have the power and authority to assess individual lots, whether now within or hereafter brought within the terms of this declaration, such sums as are necessary to properly maintain common areas in the subdivisions or to construct improvements on said common areas. Additionally, the Homes Association shall have the authority to enforce the provisions of this declaration as provided herein.

ATTACHMENT "B"
RED OAK HILLS HOMES ASSOCIATION, INC.

Rules, Bylaws and Restrictions

December 14, 2021

CERTIFICATE OF SUBSTANTIAL COMPLETION
AND
DECLARATION OF HOMES ASSOCIATION

Whereas, the undersigned, Red Oak Hills Partnership (hereinafter referred to as the "Developer") is the owner and developer of the following described real estate as recorded in the First Plat, Second Plat and Third Plat, RED OAK HILLS, Johnson County, Kansas, to wit:

RED OAK HILLS, a subdivision in Johnson County, Kansas, according to the recorded plat(s) thereof as filed in the Johnson County Office of Register of Deeds.

Now, Therefore, Red Oak Hills Partnership declares the Red Oak Hills Subdivision substantially complete and declares the formation of a Homes Association upon recordation with the Register of Deeds the Articles of Incorporation by the Developer creating such Homes Association. The Homes Association shall be known by the name of Red Oak Hills Homes Association, Inc.

A. Membership in Association. Every owner of a lot which is subject to assessment shall be a member of the Association and the Association shall administer all common area. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment.

RED OAK HILLS SUBDIVISION
CITY OF SHAWNEE

ATTACHMENT "B"

**PROPERTY RESTRICTIONS
DECEMBER 2021**

