



1322 Fretz Drive • Edmond OK 73003 • president@silverhawkhoa.com
Minutes for SilverHawk HOA Information Meeting with HOA Attorney,
Matthew Winton, September 6th, 2016

Call Meeting to Order

An Information meeting for the SilverHawk HOA was held on September 6th, 2016 at the Westfield Elementary School Cafeteria. It began at 6:31 pm and was presided over by Chris Painter, with Mandy Lunsford as secretary.

Eagle Scout Project

Joshua Slaton presented his idea for his Eagle Scout Project. He plans to improve the area around the Phase 2 ponds with tables, benches, and birdhouses. Lowe's has donated lumber, concrete, and hardware. One table and one bench have already been sponsored by a neighbor. He asked for more donations/sponsorships. Handouts were available for those interested. He plans to start installing around October/November.

Matthew Winton

Matthew introduced himself. He is an expert in HOA law and has worked with hundreds of HOA's across the state. He represents both litigation and transaction.

This meeting is for a free ranging conversation. We can express our support or non-support and ask any questions that we have. He wants to make sure we are all on the same page about the terminology used in the Covenants.

When you purchase property in SilverHawk, at closing (whether you read the Covenants or not), you took title subject to the Covenants. We all agreed to the terms and conditions at the time of closing.

We can agree to change the language in the Covenants; and that is what this process is doing. This is a Covenant Amendment Project. There is no standard set of Covenants.

Please volunteer your time to help with the Door-to-Door campaign. We have from tonight until the Voting Meeting on October 4th to collect all the votes. If you would like to volunteer, please meet with the Board after this meeting.

Please respect your neighbors; we can debate without fighting. Treat each other neighborly.

Questions & Discussion

- **Are we moving to a better set of CCR's?** Yes. Every neighborhood has a lifespan. The CCR's are drafted to a neighborhood's time of life. We are in a different place today than when the developer wrote the original CCR's. It is time to amend the CCR's because the residents are now in control of the neighborhood, and not the developer.

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- **Why are we doing this?** We are fine-tuning the CCR's for this state of your neighborhood. Developer is no longer in control; correcting typos; adding definitions section; modifying the majority consensus for approval; etc.
- **What is the fine print?** There is none. We welcome you to read through the amended CCR's; have your attorney look it over. If you do not like it, vote no by not voting. Only execute a ballot if you are in support of the new CCR's.
- **What about fines?** Each owner can enforce the Covenants by filing a lawsuit against their neighbor. It can cost anywhere between \$10,000 to \$50,000 for a covenant enforcement lawsuit. Without a fine schedule, we are faced with spending a lot of money for trashy yards, parked vehicles in the street for convenience – what do we do? We don't want to sue our neighbors, and it is extremely expensive and time consuming to get an injunction from the court; you may not get what you are wanting in the end. Fines are more effective. A fine system helps narrow the enforcement focus and helps to minimize the cost to the HOA and its residents. It is not easy for the HOA to issue a fine. There must be a fair notice and a valid violation giving rise to the fine. Are you in favor of not spending a lot of money on lawyers for violations? Are you in favor of giving the HOA creative opportunities and avenues of keeping the CCR's maintained?
- **What are we changing in the CCR's in regards to the Villas, and why are we all voting about their private roads?** The original CCR's could have done better in how the Villas are maintained and assessed. The Plat (survey/drawing looking down on the neighborhood from above; showing the lots and blocks in the neighborhood) shows the Villas being different from the rest of the neighborhood with their private streets. There are two lots that are included in the Villas, but are outside of where the gates were constructed. We need to fix this issue, and the defining language of the Villas. 60% of the owners on the Section1 Plat need to vote to remove the gates and private streets of the Villas. That is why you received two ballots; one for the new CCR's, and one for the Villas streets. The way the law is written, everyone on that plat must vote to make the streets public. The Villas have previously held a vote on their own, and 80% of the Villas homeowners are in favor of making the streets public and removing the gates.
- **Why do we need 80% of the neighborhood to pass the amended CCR's?** Because the existing CCR's has a clause that calls for 80% approval to make an amendment to the Covenants. One of the changes in the new CCR's is going from 80% to a simple majority. Every ballot must be notarized. Real property law requires this formality. When someone asks in 5, 10, 15 years from now if this amendment was valid; you can show the notarized ballots and show the owners who were on record at that time to show that the amendment was valid.
- **What happens if this doesn't pass?** Things will continue in the way they have since you purchased your property. With the way the current CCR's are written, the developer has majority control, but the HOA Board will continue on de facto as they've been doing. But it makes sense to pass this. You do not have a developer anymore. While you are removing the language about the

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developer, it makes sense to fix the errors, typos, etc. By passing this amended Declaration, it will help you with your resale values. Out of date documents with typos and grammatical errors can affect people's buying decisions when deciding what neighborhood to move in to. Realtors like to show people neighborhoods that have a well-organized HOA that is capable of enforcing the CCR's to help keep the values up in the neighborhood. Having this information easily accessible online is a plus.

- **Will it cost people living outside of the Villas to change the Villas private streets to public?** No money from the general HOA fund will go towards the Villas streets/gates. All costs to make the private streets public will be paid for by the Villas owners only. The Villas owners are 80% in favor of this passing. No maintenance has been done on the private streets since they were constructed, and now it the best time to make this happen before the streets start having major problems.
- **If the Villas roads go public, what happens to the gates?** The gates will either be removed or fixed open permanently.
- **If the new CCR's pass and we then have a majority approval instead of 80% for future changes, how does this affect voting in a case like today when we have about 20 out of 300 present?** Instead of needing 80% of all lots, the majority will be the majority present in person and by proxy. If you are not able to attend a meeting, you can send in your ballot ahead of time to be included in the vote. A simple majority is 50% plus one. This tests apathy knowing that people have competing interests. If it is something I want to vote for, I will show up to the meeting or I will mail in my vote by proxy. All proxy ballots must be notarized.
- **Can I vote for one only, or do I have to vote for both items?** You do not have to vote for both. You can choose to vote for only one item if you'd like.
- **Who controls the Architecture Committee for the remaining Shift homes that have not been built yet?** The HOA Board. The developer set the architectural style for that area and that will remain in effect. The homes that are left to be constructed in the Shift will still need to meet that contemporary architectural style that has been established for that area.
- **Who is voting for the Villas?** Phase 1 only; however, ballots were sent to everyone.
- **What about the requirement of two trees? Is this grandfathered in?** There is a requirement for two trees.
- **Can I get fined for only having one tree? Is this different from leaving out trashcans? Where do we draw the line?** A tree doesn't move. The Board is not going to ask for access to your back yard to see if you have another tree back there. The fine schedule is for moveable things that decrease the esthetic of the neighborhood: how trash cans are stored, grass isn't being mowed, cars parked in the street, trailer in the driveway. It's about moveable items and eyesores in the neighborhood. We don't want to spend thousands of dollars on legal fees. We are not intent on finding every little nuisance; do not have the time to even try to do that. We can change the

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amount of trees required with a simple majority in the future if this is what the neighborhood would like.

- **What are ByLaws?** ByLaws are a corporate document that tell the who, what, and how long a person can be on the Board. It defines how many people should be on the Board, how long they can serve, proxies, type of notices, procedures to remove someone from the Board if needed, etc. Combining the set of ByLaws with the amended Declaration is a type of marketing ploy - one set of documents. Realtors will market for you based on these tiny little things. One document to hand out from seller to buyer. The ByLaws also define the duties of the Board of Directors and Officers. No ByLaws were ever created for SilverHawk.
- **In my previous neighborhood, there was someone who walked around the entire neighborhood taking notes of every violation he could find. He stirred up a hornet's nest. What do we do if this happens here?** This is a communication issue; talk to the individual directly. The Board has worked very hard to make sure not one individual can take action without the majority approval of the Board. There is a Due Process Clause Section 3.2.2 that talks about owner protection. There are certain safeguards to protect us from that type of individual. This is not a dictatorship; it is a group of people who would manage or marginalize that individual. It would be very rare to have an entire group of people who felt the same way as the one individual.

Closing Statement from the Board

We found these errors in the current CCR's and wanted to be sure these were corrected and that there were ByLaws in place for when we are no longer serving. We will not be on the Board forever, and we want new Board members to understand exactly what their role is in serving the members of the HOA. We want to be assured that future Boards will have a clear and defined set of rules to follow. So that is why we hired Matthew Winton to help us with this project.

On the website, you will find a summary of the changes with descriptions of each change. There is also a copy of the new CCR's with the changes highlighted. There is a FAQ's button - please send an email to president@silverhawkhoa.com if you would like to ask a different question, and it will be posted on the website as well, unless you choose not to have your questions posted.

Board Members are Notaries, and will be present at the clubhouse every Saturday from 4-6pm to notarize your ballots. This will begin this Saturday, September 10th until Saturday, October 1st.

The meeting was adjourned at 7:38pm.

SilverHawk HOA Secretary

From: HOA Treasurer <treasurer@silverhawkhoa.com>
Sent: Friday, September 09, 2016 10:17 PM
To: secretary@silverhawkhoa.com
Cc: Chris Painter; Mechille Calhoun; Chad Hoffman
Subject: Re: Information Meeting Minutes

Approve.

Sent from my iPhone

On Sep 9, 2016, at 10:08 PM, SilverHawk HOA Secretary <secretary@silverhawkhoa.com> wrote:

Mandy Lunsford

Secretary
SilverHawk HOA Board
Call/Text (405) 208-3939
secretary@silverhawkhoa.com

<Information Meeting Minutes.pdf>

SilverHawk HOA Secretary

From: HOA Director <director@silverhawkhoa.com>
Sent: Friday, September 09, 2016 10:21 PM
To: treasurer@silverhawkhoa.com
Cc: secretary@silverhawkhoa.com; president@silverhawkhoa.com;
vice.president@silverhawkhoa.com
Subject: Re: Information Meeting Minutes

Very nice...super approved

---- On Fri, 09 Sep 2016 20:17:19 -0700 treasurer@silverhawkhoa.com wrote ----

Approve.

Sent from my iPhone

On Sep 9, 2016, at 10:08 PM, SilverHawk HOA Secretary <secretary@silverhawkhoa.com> wrote:

Mandy Lunsford

Secretary

SilverHawk HOA Board

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secretary@silverhawkhoa.com

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SilverHawk HOA Secretary

From: Chris Painter <president@silverhawkhoa.com>
Sent: Friday, September 09, 2016 10:30 PM
To: secretary@silverhawkhoa.com
Cc: Mechille Calhoun; Lisa Slaton; Chad Hoffman
Subject: Re: Information Meeting Minutes

Super duper duper approved!

Chris R. Painter | President
SilverHawk HOA
405-412-5718

On Sep 9, 2016, at 22:08, SilverHawk HOA Secretary <secretary@silverhawkhoa.com> wrote:

Mandy Lunsford

Secretary
SilverHawk HOA Board
Call/Text (405) 208-3939
secretary@silverhawkhoa.com

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