

San Ignacio Vistas, Inc.  
Homeowners Association  
Minutes Board Meeting  
September 13, 2004

Present: Marianne Bishop, Doug Cameron, Robert Cohen, Gorman Fisher, Linda Gregory and Ron Sorenson. There were four homeowners present. The meeting was called to order at 9:00 a.m. using the agenda as published.

**1. Reading of the Minutes:**

Minutes for the Board Meeting of August 2, 2004 were approved as distributed.

**2. Officers' Reports**

a. Secretary

- Sent letter to Pizza Hut regarding hang tags
- Closed safety deposit box at Compass Bank and moved contents to the safe.
- Met with Bank One and negotiated a free box and inserted a current computer disc. which will be updated once a month
- Encountered two situations with homeowners this month where we needed to reach the homeowner and had no phone number on file. We will continue to remind our homeowners of the importance of giving us alternate addresses and phone numbers.
- There were several minor issues with Lewis Management (LMR) this month regarding
  - address for lot 205
  - wrong return address used for Sept 22nd meeting notice
  - incorrect number of resale's reported since last monthly report
  - When I relay information to LMR about a property and we have no field to update, LMR is placing that information into the notes field of their new database. I was advised that "At this time the software program being utilized by LMR does allow the conversion of notes into the Excel report" therefore we have no way of viewing this data. LMR said that they will continue to research this topic with the objective of providing noted information pertaining to any and/or all lots for SIV. In the meantime I am working with them to find a way to record the information in other fields as appropriate.
  - I am keeping a database and recording any information I relay to LMR and comparing them each month to make sure that all information is changed or recorded.
- HB2380 Effective date of law: August 25, 2004 Bill Content:  
A purchaser of a timeshare or of a property in a community with a homeowners' association must be given a statement disclosing that the association declaration (bylaws, rules, etc.) is a contract between the association and the purchaser, and further that the purchaser may be giving up the right to the homestead exemption regarding a lien of the association. The statement form shall contain provisions for a signature and shall be returned to the association within 14 days". I inquired as to what LMR is doing to satisfy this requirement and if our present Welcome letter to prospective homeowners needs to be modified to meet this requirement. I was told the Welcome letter will change to reflect the inclusion of this new form which will be an acknowledgement of living in a HOA, (a single page document that LMR is creating) and it will be sent out with all resale information once the law is effective.

- We received a notice that our renewal premium for Liability Insurance is due in October. The secretary noticed a statement in October 2003 minutes "... the board will review all of our insurance policies for appropriateness of coverage and possibly see if we can reduce our premiums." Tanis reviewed the policies for appropriateness but there was no notation as far as looking for lower rates.

The Secretary was asked to find out if our welcome packet is being sent by registered mail with return receipt and if the HOA acknowledgement form will be part of the closing documents provided by the title company.

Ron thought that this had been done while Damon was Secretary, but Gorman said he knew that GVCCC was going to check to see if, as a major group, they could reduce the insurance premiums to individual HOAs. He said he would investigate this matter and report his findings.

b. Vice President

Gorman attended a meeting sponsored by CIA on September 11 entitled "HOA Legal Forum, Legal Advice for Community Associations" Among other things he learned:

- Bylaws, Homeowners Rules, and CC&Rs must comply with both the Fair Housing Standards and Disabilities Acts
- Assessments can be put in a lien but fines and penalties cannot. They must be taken to Small Claims Court if the amount is not substantial.
- Meeting notices can now be made on a semi-annual basis if your bylaws state that you hold meetings on a regular basis: i.e., monthly on the first Monday of the month, rather than the previous 48-hour notice requirement.
- Homeowners have an 8 year window after closing to approach a builder about a defect with his house which overrides the 5 year guarantee.
- "Action-in-Lieu" also affects the Open Meeting Law. If giving a 48 hour meeting notice impractical, the board can handle action by either email or phone as long as there is 100% approval and the action taken must be reported at the next regularly scheduled meeting. This would be used for emergencies only.

GVCCC Meeting Recap

- A "Red Badge" program has been started in the AZ and Green Valley and a community north of Phoenix are part of the pilot program. Information relating to medical needs would be placed in the glove box with a sticker on the vehicle to alert emergency medical personnel to look in the glove box.
- The CERT program is a life saving program attempting to identify three persons from each community to train for certification to help first responders in case of an emergency.
- Community Service Committee is compiling a recommended list of reliable handymen and service personnel as a reference for GV homeowners.
- GV received approximately \$20,000 out of millions of dollars in grants from the County which signifies that our representative on the Board of Supervisors hasn't been very effective in representing GV needs.
- Sahaurita police can write tickets in Green Valley and visa versa.

- There is a lack of volunteerism affecting the Community as new people move into Green Valley.

c. Treasurer

The Treasurer presented the Statement of Financial Condition as of 8/31/2004. A motion was made and seconded to accept the report, subject to audit, and it is included as Attachment A to the minutes.

d. President

- As the political season approaches, SIV homeowners should be aware that the AZ legislature recently passed a law that allows members of HOAs to erect a temporary sign relating to a political candidate, political party or public election. In the past we did not allow signs of this nature in SIV. Signs can be erected up to 45 days prior to the election, but AZ statute permits other institutions to make a shorter period. We will follow the Pima County code.

In addition signs must be on private property by permission of the owner and cannot cover more than 16 sq. ft in area, cannot exceed 10 ft in height and must be set back at least 20 feet from the street, may not be illuminated and cannot have more than two faces. They do not require a permit, cannot be erected more than 30 prior to an election (Pima County Code) and must be removed 10 days after the election, except for candidates that have won primaries, in which case they may leave their signs up until after the election. The signs may not obstruct view or create a traffic hazard.

- During a tour of the common areas serious damage to trees above Dimitri Wash was uncovered. Some trees were sheared off while others were stripped of all branches. The Maintenance Committee authorized the president to write letters to 9 homeowners in the affected area advising them that the Board may impose fines for this type of activity and seeking their cooperation in providing any information they may have regarding who caused the damage.

### 3. Committee Reports

a. Maintenance Committee

Doug Cameron gave the MC report, which is included with these minutes as Attachment "B". Because the terrain is so steep on Gloria View Court homeowners will be asked to allow the debris from pruned and cut trees to be removed via their property (if necessary through the garage) in order to lower the cost of removal.

We have a current inventory of interior trees and one for the exterior trees is being compiled. The committee is looking at the feasibility of pruning both the interior and exterior trees once a year if the budget would permit.

b. Architectural Committee

Susan Trecartin gave the AC report. Two weed letters were sent in the last month. There was a meeting held Tuesday, September 7 at which time landscaping for Lot # 205 was approved,

the Ramada Rules were revised, and discussion was held relative to if any action is warranted against homeowners who fail to keep their yards free of weeds year after year

#### **4. Continuing Business**

##### **a. Policy from attorney to handle complaints about private property trees**

Linda presented a policy resolution prepared by Tanis which shifts the burden from SIVHOA and the AC to the owners to determine if that owner's view is being materially affected by another owner's tree.

Tanis stated in her email that this resolution has a two fold goal. "Since the section provides that no tree will be of a height that will materially interfere with another's view, it is really an owner of a neighboring property who should step forward and make a statement that there is view interference". Secondly, "if the board has to take action and ends up going to court, if the owner of the lot does not step forward to testify, then even if the Architectural Committee made a determination, if the owner whose view is supposedly impacted doesn't testify, then you have no case." Tanis continued: "The resolution also requires the complainant to contact his/her neighbor before involving the association. It also encourages the complainant to check with the neighbor's to see if their views are impacted."

A motion was made by Gorman and seconded by Doug to accept the Resolution.

Ron pointed out a typo on page one, and in section 9 he believes that the time period is unrealistic and should be changed to 30 days. Gorman made a motion to accept the changes seconded by Doug.

The board discussed the need to be reasonable when imposing fines as well as how imperative it is that any correspondence relative to violations be sent certified return receipt with documentation kept in the Secretary's permanent file in case litigation is necessary.

The Resolution of the Board of Directors Regarding Trees Impeding Views and the Complaint Form were unanimously approved and are included with these minutes as Attachment 'C'. The Complaint Form will be kept by the AC as well as posted on the SIV web site.

Susan Trecartin asked if this action lifts the Moratorium. Gorman made a motion to lift the moratorium giving notice to affected homeowners. The motion was seconded by Doug. The president will send a letter to the "moratorium homeowners".

##### **b. Rule amendment re: homeowner/homowner's agent interference with common areas**

Ron presented the following Resolution:

RESOLVED, That the provision of the Rules concerning Common Areas be, and the same hereby is, amended to read in its entirety as follows:

- 1 Without the written approval of the Association, no Owner may remove, trim, prune, water or disturb trees or other vegetation in any Common Area. Owners may not plant any seeds or vegetation in any Common

Area. Owners may not discharge or permit the discharge of any paint, solvents, cleaning materials or other chemicals, trash, trimmings, clippings or other materials onto streets, sidewalks or other Common Areas. No landscaping materials may be placed or stored on streets, sidewalks or other Common Areas.

2. Owners may not discharge water onto the Common Areas in a manner that causes any damage, erosion, deposit of silt or other debris onto streets or water channels.

Resolved further, that Paragraph 7 of the existing Rules concerning Private Properties be and the same hereby is deleted and the remaining provisions renumbered accordingly; and

Resolved further, that new Rules be, and the same hereby are adopted as follows:

LIABILITY:

1. All provisions of these *Rules* and the *Amended and Restated Declaration of Establishment of Covenants, Conditions and Restrictions for San Ignacio Vistas*, as amended from time to time (herein called "CC&Rs"), apply to each Owner and to the tenants, guests and contractors of each Owner. Each Owner will be responsible for any violation of the provisions of these *Rules* and the CC&Rs whether committed by such Owner or his tenants, guests or contractors. In the event of a violation of these *Rules* or of the CC&Rs, the Owner responsible therefore will be liable for all costs of any remedial action required by such violation. In addition, such Owner may be subject to fines and penalties for any such violation pursuant to the provisions of the *Resolution of the Board of Directors of San Ignacio Vistas, Inc. Regarding the Imposition of Fines and Penalties*, adopted by the Board of Directors on December 18, 2000.

After discussion Ron suggested adding the following language:

Capitalized terms not otherwise defined herein have the meaning given them in the CC&Rs.

Ron also made note of the fact that the term Homeowner is used throughout the present rules, and that it should be changed to Owner to agree with the CC&Rs.

Bob Cohen made a motion to accept the Resolution with suggested additions and changes which was seconded by Doug Cameron.

c. Ramada rules changes

The ramada rules as approved at the AC meeting of September 7 were presented by Gorman. He emphasized that these rules are specifically related to an open-roofed structure, not to be confused with a porch. A lengthy discussion ensued and changes were made to sections one and five.

A motion was made to approve the rules with suggested changes. The rule was adopted with 4 yes and one no vote by Ron Sorenson. The Ramada Rules are included with these minutes as Attachment 'D'.

d. Update on CC&Rs from Homeowner's Forum

After a meeting with Tanis, Ron provided a revised draft incorporating changes to the CC&Rs as a result of the March Homeowners Forum. Bob Cohen presented a document entitled Observations, Comments and General Nitpicking regarding the 8-11-04 Draft of CC&Rs. Since Ron felt these comments need be addressed by Tanis, further discussion was postponed to the next meeting.


**5. New Business**

- Ron Sorenson pointed out that at the intersection of Vista Ridge and Meadow Ridge Drive there are two large mesquite trees that need to be trimmed because of safety issues.
- There are three positions that will become available on the board in February and Bob Cohen questioned the procedure for filing the positions. He was told that we have a nominations committee in place.
- Gorman will make modifications to the signs used for the Homeowners Forum and post them at both entrances to remind homeowners about the September 22<sup>nd</sup> Common Area Tree Session.

**6. Adjournment**

The meeting was adjourned at 11:05 AM.

Respectfully submitted,



Marianne Bishop, Secretary

These minutes were approved by the Board of Directors at its meeting held on Monday, October 04, 2004.

ATTACHMENT 'A'

**SAN IGNACIO VISTAS, INC.  
HOMEOWNERS ASSOCIATION**

**Statement of Financial Condition**

**8/31/2004**

<b><u>2004 Assets and Liabilities</u></b>	
<b>Assets</b>	
Operating Funds	60,963.06
Reserves ( <b>Face Value</b> )	139,019.14
<b>Total</b>	<b><u>199,982.20</u></b>
<b>Liabilities</b>	
2005 dues paid in advance	-

<b><u>2004 Income and Expenditures</u></b>	
<b>Income</b>	
Dues	69,996.00
Operating Funds	
Interest	146.19
Reserve Interest	3,656.16
Other Income: Reserves	<u>22,670.89</u>
<b>Total</b>	<b>96,469.24</b>
<b>Expenditures</b>	
Operations Expenses	28,870.30
Reserve Projects	<u>81,011.45</u>
<b>Total</b>	<b>109,881.75</b>

<b><u>Homeowner's Reserve Equity</u></b>	
Total Reserve Equity	139,019.14
Reserve equity, per member	609.73

Unaudited

## ATTACHMENT 'B'

### Maintenance Committee Report September 8, 2004

Three requests for consideration of tree removal or trimming were received during the last month.

1. 4943 Gloria View Court
2. 4923 Harvest Moon
3. 4975 Gloria View - Unavailable

Mary Lu Catino reported that she and Linda Gregory conducted an inventory of interior and a partial inventory of exterior trees. The Committee is in receipt of one bid to trim the interior trees. Additional bid or bids are forthcoming. Upon completion, an award of bid will be given. At this writing, the first estimate is \$2500. Details of the bid will be provided when approval is requested.

A review the area of Gloria View Ct. to evaluate the trees on the east side of the homes in that area will be made by the Committee. Due to the extreme terrain, any work in this area will be costly. Caution in any removal could lead to excessive erosion. Numerous volunteer growths will also be addressed with the landscaper to ascertain cost to correct.

The Committee is still waiting for the Board to act upon the rule, which would require the homeowner pay for removal of common area trees together with re-vegetation, the latter to reduce erosion.

During the time tree trimming is accomplished, one or more members of the Committee will be present to insure proper completion.

Grass cutting will begin on schedule in mid-November.

Fire hydrant repainting was discussed with Green Valley Water District. They advised they could accomplish this in the near future.

George Jones has agreed to accept the position of Chairperson of the Maintenance Committee, with Doug Cameron continuing as Board Representative to the Committee.

Respectfully submitted:

M. Douglas Cameron  
Board Representative to Maintenance Committee

ATTACHMENT 'C'  
SAN IGNACIO VISTAS, INC  
RESOLUTION OF THE BOARD OF DIRECTORS  
REGARDING TREES IMPEDING VIEWS

Section 13.13 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for San Ignacio Vistas ("Declaration") states:

All trees and other vegetation planted in the Lot shall be kept trimmed to a height which will not materially interfere with views from neighboring building sites.

A violation of this section cannot be ascertained unless an Owner of a neighboring Lot indicates that a tree or other vegetation on a neighboring lot is impeding his/her view.

To determine whether there is a material interference with a view from a neighboring lot, the Owner of an adjacent lot, who believes that his/her views are being impeded, has a duty to bring his/her concerns to the Board of Directors, before the Board can take action to enforce this section of the Declaration.

Because this Section 13.13 provides that a tree must not materially interfere with the views of neighboring lots, it is incumbent upon an Owner who believes that his/her view is being impeded to contact the Owners of other neighboring lots to determine if those persons' views are also being impeded.

This section pertains to the height of the trees and thus, until such time as the Architectural Committee forbids the planting or maintenance of certain plants, trees and shrubs, the Board's concern in enforcing Section 13.13 is with the growth pattern of a particular tree and not whether or not that tree should or should not be planted.

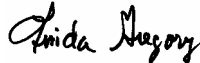
Henceforth, the procedure to be followed by the Board in handling concerns with the height of a tree on the Lot will be as follows:

1. Any Owner ("Complainant") believing that there is a violation of Section 13.13 must file a written Complaint with the Board.
2. As a condition precedent to filing the Complaint, the Complainant must meet with the Owner on whose lot the tree(s) is located ("Respondent") and attempt to amicably resolve the dispute before the Association will accept jurisdiction over the matter. If the Complainant has not met with the Respondent, then the Complaint must set forth the reasons for failing to do so.
3. The Complaint must contain the following information:
  - a. The lot on which the tree is located, together with photographs of the tree showing how it is affecting the Complainant's view.
  - b. A complete description of the view which the Complainant claims is impeded.
  - c. The names and address of the Owners of neighboring lots and the efforts the Complainant made to contact those Owners to determine if their views are being affected. If so, then photographs of the tree from those Owner's lots, showing the impact on their views must also be submitted.
  - d. A description of the efforts the Complainant has made to resolve the concerns with the Respondent.
  - e. The proposed action which the Complainant is requesting be undertaken by the Respondent, e.g. pruning of the tree, removal of the tree, etc.

- f. A statement from the Complainant indicating his/her willingness to appear at any meeting scheduled by the Board, including any hearing at which fines for the violation may be imposed against the Respondent and/or any court proceeding filed by the Association to enforce Section 13.13.
4. The statement from the Complainant must also give the Board permission to enter upon the Complainant's Lot to review the conditions about the Complainant has complained.
  5. Upon receipt of the complaint from the Complainant, the Board will notify the Respondent that a complaint was filed with the Board. That notice will include a copy of the Complaint and will request that a response to the Complaint be filed with the Board within 30 days from the date of the notice.
  6. The Board will delegate the matter to the Architectural Committee ("AC"), which will schedule a date and time with the Complainant to meet on site to review the circumstances of the complaint. The AC will also meet with neighboring Owners to determine whether their views are also impacted and the extent of such impact.
  7. The Complainant will be required to demonstrate to the AC the manner in which there is a material interference with his/her view and the AC will determine if the Owner is reasonable in his/her expectations of the view which he/she desires to preserve.
  8. If the AC determines that there is a material interference with the Complainant's view, then it will contact the Respondent and attempt to resolve the dispute. If the AC is unsuccessful, then it will prepare a report to the Board with a recommendation as to the action which the Board should take.
  9. The Board, upon review the recommendation of the AC, will provide notice to the Respondent of the violation and give the Respondent at least 30 days within which to cure the violation. If the violation is not cured within 30 days, then the Board will provide the Respondent with the opportunity to attend a hearing with the Board, to show cause why the Board should not impose fines against the Respondent for failing to take action to ensure that the height of the tree does not materially interfere with the Complainant's view.
  10. If, after the hearing, the matter has not been resolved, the Board can pursue any and all legal remedies to which it is entitled to pursue under the terms of the Declaration.

Adopted by the Board of Directors on September 13, 2004.

San Ignacio Vistas, Inc.



By: President

Attest



By: Secretary

COMPLAINT FORM  
SECTION 13.13 OF THE DECLARATION  
MATERIAL INTERFERENCE WITH VIEWS

Pursuant to Section 13.13 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for San Ignacio Vistas, Inc., I am submitting a Complaint against the Owner of Lot \_\_, (“Respondent”) located at \_\_\_\_\_, as one or more trees located on that Lot are materially interfering with my view.

I state as follows:

1. My lot is \_\_\_\_\_ and the physical address of the property is: \_\_\_\_\_  
\_\_\_\_\_.
2. The Owner of lot \_\_\_\_\_ is \_\_\_\_\_.
3. The view which I seek to protect is: \_\_\_\_\_  
\_\_\_\_\_.
4. The type, numbers and description of the trees: \_\_\_\_\_  
\_\_\_\_\_.
5. The tree is materially interfering with my view in the following manner: \_\_\_\_\_  
\_\_\_\_\_.
6. I am submitting \_\_\_\_\_ photographs of the tree showing how it is affecting my view.
7. The names and address of the Owners of neighboring lots whose views are also being detrimentally affected are: \_\_\_\_\_  
\_\_\_\_\_.
8. I have attached photographs taken from these neighboring lots showing the impact the tree has on those lots. \_\_\_\_\_ Yes \_\_\_\_\_ No
9. I contacted these Owners to determine if their views are being affected on the following dates, and such neighboring Owners indicated: (Submit additional comments from the Owners of the neighboring Lots, as an attachment).  
  
\_\_\_\_\_ Their views were negatively impacted by the tree and they join into this Complaint by signing below.  
  
\_\_\_\_\_ Their views were negatively impacted, but they do not wish to join into this Complaint.  
\_\_\_\_\_ They do not have any complaints about the tree.
10. I have attached \_\_\_\_\_ photographs of the tree from the neighboring Lots showing the impact on these Owners’ views.
11. I contacted Respondent on the following dates in an attempt to resolve the issue over the height of the tree and the outcome was as follows:

Date: \_\_\_\_\_ Nature of Conversation: \_\_\_\_\_

Date: \_\_\_\_\_ Nature of Conversation: \_\_\_\_\_

Date: \_\_\_\_\_ Nature of Conversation: \_\_\_\_\_

12. I sent letters to Respondent concerning resolution of this matter.  
\_\_\_\_\_ Yes \_\_\_\_\_ No.

I have attached copies of any letters which I sent to Respondent.

13. I request that the Respondent take the following action so that there is no further material interference with my view: \_\_\_\_\_  
\_\_\_\_\_.

I am willing to appear at any meeting scheduled by the Board, including any hearing at which fines for the violation may be imposed against the Respondent and/or any court proceeding filed by the Association to enforce Section 13.13. I understand that a copy of this Complaint will be given to the Respondent and that the Respondent will be requested by the association to respond to this complaint

I give the Board permission to enter upon my Lot to see how the tree is materially interfering with my view. The best dates and times to do so are: \_\_\_\_\_  
\_\_\_\_\_.

Dated: \_\_\_\_\_, 200\_\_\_\_.

Complainant:

Phone: \_\_\_\_\_

[Attach a separate document with the names, addresses, lot numbers and signatures of the Owners of neighboring lots who join in this Complaint.]

Exhibit "A"  
Comments from the Owners of Neighboring Lots

## ATTACHMENT 'D'

### RAMADAS

Section 13.1 of the San Ignacio Vistas CC&Rs provides in pertinent part that “no improvement or structure whatever, other than a first-class private dwelling house, patio walls, swimming pool and customary outbuildings, garage or carport, may be erected, placed or maintained on any Lot. First- class materials and workmanship are required. No pre-fabricated or mobile homes may be erected or maintained on the Property.”

Section 13.4 of the CC&Rs of San Ignacio Vistas provides in pertinent part that “Patio walls and other additions and modifications shall be constructed of the same materials as used in the construction of the principal residence and original improvements placed on the Lot, unless waived in writing by the Architectural Committee.”

1. For purposes of these Rules, a ramada is defined as “an open, slatted-roofed shelter designed especially to provide shade” attached to the rear and or side of an existing structure.
2. All materials must comply with Sections 13.1 and 13.4 unless waived by the Architectural Committee.
3. All ramadas constructed from the same materials as used in the construction of the existing structure should match as close as possible to the original construction. In addition, supports must be minimum 6 inches x 6 inches (or larger if specified by Pima County Building Code), except for metal ramadas, (see Rule #6).
4. The color of any ramada, including supporting posts, must be the color of the stucco or, if permitted by the Architectural Committee, the color of the trim of the existing structure. The color of metal ramadas should be as close as possible to original stucco or trim colors, unless waived by the Architectural Committee.
5. Where property size, easement and setback requirements allow, a ramada may be extended beyond the width of the house. All ramadas must have the approval of adjacent neighbors.
6. All ramadas and all materials must comply with Pima County Building Code except that metal ramadas must not be less than 18 gauge and supports must not be less than 4 inches x 4 inches.
7. A Building Permit issued by Pima County is required. No construction of a ramada approved by the Architectural Committee is permitted until a copy of the Building Permit is presented to the Architectural Committee.