

**3 Canyons Ranch Master Homeowners Association (HOA)  
Minutes of the Board of Directors (BOD) Meeting  
October 11, 2006 at La Purisima Center**

**Board Members Present:**

Gary Brock, Don Penny, Greg Chouinard, Rich Frederici, Carl Bromund, Evans Guidroz, Richard Dirks

**Officers:**

President, Carl Bromund  
Vice President, Richard Dirks  
Secretary, Greg Chouinard  
Treasurer, Gary Brock

**Call to Order**

The meeting was called to order at 5:33 PM by President Carl Bromund

**Introduction of Board Members and Review of Ground rules for Meeting**

Board of Directors members present introduced themselves to the membership  
President Carl Bromund reviewed the general meeting rules with the membership and recognized the presence of Dave Hamilton, the VDO Village President, and Dale O'Neill, the Deer Ridge Village President.

**Acceptance of Agenda**

A motion was made and seconded to adopt the meeting agenda. The motion to adopt the meeting agenda carried unanimously

**Acceptance of September 20, 2006 HOA Board Meeting Minutes**

A motion was made and seconded to accept the minutes from the Board of Directors (BOD) special meeting of September 20, 2006. The motion to accept the minutes carried unanimously

**Call to Membership**

A member said a lightning strike started a brush fire one evening. She was impressed with the speed of the Fire Department's response.

VDO Village President Dave Hamilton asked the status of the VDO village issue. Vice President Richard Dirks said he was educating himself on VDO issues by reviewing September, 1999 VDO village documents relative to MHOA documents, and reviewing correspondence between VDO and 3 Canyons MHOA. V.P. Dirks also stated that the documents available from VDO appear to be appropriate to achieve village status and that the VDO board should make sure that all documents have been filed with the state. He also pointed out that VDO has additional issues identified by the 3 Canyons Board and some inconsistencies between VDO and MHOA documents; setbacks, for instance. These issues need to be resolved before Village status can be granted. A full committee hearing will be called to review and discuss these issues.

A member asked about an appeal. President Carl Bromund said that issue would be addressed later in the meeting.

### **Treasurer's Report**

3 Canyons Ranch MHOA Board Meeting / Treasurers Report – 10/11/2006

Account balances as of 9/26/06, as reported by Chase Bank:

Regular Account (operating fund)     \$84,402.15

Capital Checking Account                 \$91,368.23

Capital Savings Account                 \$115,773.02

Chase Bank Loan Balance                 \$137,500.00

Next annual principal payment due 11/06 of approx \$47,000.00

Next quarterly interest payment due 11/06 of approx \$2,000.00

Interest rate is 5.75% fixed. Loan maturity date is 11/08

No early payment penalty.

### **Committee Reports – Master Design Committee (MDC)**

Master Design Committee (MDC) Chairman Rich Frederici said the committee had only one new home construction review since the last report but has received many approval requests for fences, and pools ect. One new home construction had been started without MHOA approval but hopefully, there will be less in the future.

### **Committee Reports – Mail Committee Report**

Mail Committee was appointed by the Board of Directors at the Annual Membership meeting (July 2006) to initiate the process for mail delivery to the 3 Canyons area. Mail Committee members are Jack Lang, Linda Gleason, and Pat Kirk.

Mail Committee initially met with the Postmaster (July 2006) to identify the feasibility of mail delivery to 3 Canyons and any problem areas. The Postmaster was on assignment so the meeting was less than anticipated. Upon his return (August 2006), met with the Postmaster Gerald Vinson and the HOA President. The meeting was very productive. The Postmaster answered all our questions, provided his requirements, and provided a catalogue of postal boxes and list of approved vendors.

Postmaster requirements:

The 3 Canyons HOA needs to complete a Road Maintenance Agreement. The Board has the form he provided.

The 3 Canyons HOA must procure and install the Cluster Box Units (CBU). The Board has the catalogue of CBU and the list of approved vendors he provided.

The 3 Canyons HOA will assign individual mailboxes and issue the keys. Postmaster will assist us in mailbox assignment to ensure the assignments are in concert with the postal automated mail sorting system. He also volunteered to handle the maintenance of the CBU (lost key, broken lock, etc.).

Each CBU must deliver mail service to more than two customers.

Postmaster requests:

The 3 Canyons HOA meet with him when the CBU locations have been determined so he could construct a safe and efficient delivery route for the Mail Carrier.

The 3 Canyons HOA meet with him when the CBU footprint has been designed so he can ensure the design meets the safety needs of the Mail Carrier.

Postmaster advised us during the meeting that the “free post office boxes” provided to 3 Canyons members will go away when mail delivery is available. He also advised us of the construction that will start soon which will include widening Highway 92 and putting a traffic light at Hereford Road with medians on Highway 92.

Postmaster Vinson was very positive and would like mail delivery to 3 Canyons residents to happen sooner rather than later. He was extremely cooperative and knowledgeable. He invited us to meet with him at any time and he will work with us to resolve any problem that arises during this process.

Mail Committee developed and submitted to the Board the Mail Delivery Plan to be used as a roadmap to implementing mail delivery to 3 Canyons residents (current and future).

Mail Committee obtained and submitted to the Board an engineering estimate for the footprint design of the CBU site.

The Mail Committee does not foresee any problems that would be showstoppers in implementing mail delivery to 3 Canyons residents.

Recommendations:

The Board of Directors approves the Mail Delivery Plan.

The Board of Directors approves funding for the engineer design work.

The Board of Directors directs the Mail Committee to continue implementing the Mail Delivery Plan.

Jack Lang  
Committee Chairman

### **Committee Reports – Gate Committee**

Gate Committee Chairman Tom Pickering said the west gate on 3 Canyons Road will have to be moved, as it is on Castle and Cook property. Pricing of the engineering work for the gate placement is reasonable but was supposed to have been completed by mid August and is still not done. Preliminary plans acknowledge problems with the west gate relative to Fairfield that need to be resolved. Mr. Pickering said he hopes to have the engineering

work done by the end of the year. The engineer does good work but not as timely as he would like. The existing gate is worn out primarily due to being hit by passing vehicles.

### **Old Business**

#### **Status of Membership Audit:**

President Carl Bromund said the records accrued over the years for over 11,000 memberships in the association have not been monitored properly. Future records keeping will be based on county assessor's records. The primary purpose of keeping the records accurate is to have fair and equitable treatment for all members in the association. Mr. Bromund said he has completed the auditing for section 27 and has discovered 4 homes not recorded in the membership records. Assessments for these 4 homes would total approximately \$4000. He will be working with the other board members to complete the membership assessments for the balance of sections in 3 canyons. MHOA guidelines say to use the county assessor's office records for this purpose.

### **New Business**

#### **1. Quit Claim Deeds:**

- Funding for Costs Associated with Obtaining the Remaining Deeds (Survey of Wild Horse I lots along Three Canyons Road, Legal Costs Associated with Deed for Palominas School district property).

After discussion, it was determined that the cost to obtain a survey for legal description of Wild Horse I lots along Three Canyons Road should be no more than \$500. It was also suggested that reimbursing the school district's reasonable costs for an attorney to review the quit claim deed already provided to the Palominas School District might expedite their consideration of our request. The expected costs of a legal review should be no more than \$500.00 for a total of \$1,000.00 needed for the next phase of the quit claim project. The Master Homeowners Association would like to own the property to put the west gate on. A motion was made and seconded to allocate up to \$1000 for costs associated with obtaining the remaining deeds (Survey of Wild Horse I lots along Three Canyons Road, legal costs associated with deed for Palominas School district property).

The motion carried unanimously

- Policy for Members who convey property to Three Canyons Road and consideration regarding lot size as it pertains to setbacks and number of buildings.

3 Canyons Owners Adjoining 3 Canyons Ranch Road.

Robert D. Stachel, Jr., Cardinal & Stachel, P.C., Attorney for 3 Canyons Master HOA  
June 11, 2003.

Quit Claim Deeds & Minimum Density Requirements.

Quit claim deeds conveying a portion of your real property to the Homeowner's Association for 3 Canyons Ranch Road have been prepared and require your execution. The Homeowner's Association is acquiring these deeds to consolidate the ownership of 3 Canyons Ranch Road under the ownership of the Association pursuant to the recorded Covenants, Conditions and Restrictions ("CC&R's") of 3 Canyons Ranch.

The Homeowners Association is aware, however, that a conveyance of a portion of your real estate may leave your property with net acreage below the minimum acreage required by the CC&R's to construct a residence. Therefore, the Association's Board of Directors

has voted to permit each such affected owner to count the real estate conveyed to the Association for 3 Canyons Road to their remaining land for purposes of minimum density calculation.

Each owner is advised that while the Association will allow for the portion of the road conveyance to be counted for minimum density, issuance of a building permit by Cochise County may be denied should an owner's net acreage be below the zoning requirements for that parcel.

While the Board of Directors has voted to support an owner's application with Cochise County, the Association cannot guaranty that Cochise County will issue the building permit or a variance to build on the affected lot.

CARDINAL & STACHEL, P.C.

Robert D. Stachel, Jr.

Attorney for 3 Canyons Ranch HOA

## 2. Establishment of Time Limit for Members who are presenting appeals

President Carl Bromund said that on at least 2 occasions, the Board was “abused” by ongoing appeals and suggested setting a 10 minute time limit and 3 minute rebuttal limit for Members who are presenting appeals.

A motion was made and seconded to limit appeals to a 10 minute time limit.

The motion to limit appeals to a 10 minute time limit carried unanimously

## 4. Prepayment of Chase (Bank One) Loan

President Carl Bromund said the association has about \$300,000 in the various accounts and would like to consider paying off the Chase (Bank One) Loan.

A motion was made and seconded to pay off the Chase (Bank One) Loan.

After much discussion by the membership, a motion was made and seconded to table the Chase (Bank One) loan motion until the January 11, 2007 BOD meeting.

The motion to table the Chase (Bank One) loan motion until the January 11, 2007 BOD, carried by a vote of 6 for, 1 opposed.

## 5. CC&R Amendment on Assessments

President Carl Bromund introduced an initiative to pursue an amendment to the Three Canyons CCR's to allow a “tiered” assessment system to recognize those Three Canyons HOA members who do not require access to Three Canyons Road or the use of the gates on Three Canyons Road. The DRAFT amendment is presented, below. President Bromund also asked that the Board vote to form a documents committee to further examine the draft proposal.

A motion was made and seconded to form a Governing Documents Committee.

After much discussion, the motion to form a Governing Documents Committee carried unanimously.

## **DRAFT CC&R Amendment**

Any and all provisions in the Master Declaration, Supplemental Declarations or Amendments to the Master Declaration that are in conflict with this amendment are hereby declared null and void.

The Master Association may levy more than one category of regular assessments.

Category One Regular Assessments shall be paid by all members.

Category Two Regular Assessments shall be paid by all members except those members described below who own property in Sections 29, 28 and 20 East.

- Those members in Section 29 whose property is located on Bryerly Drive, Andalusian Way, Shire Place, Bryerly Court, Morgan Place, Polo Court, Lippizan Place, or Swiss Court;
- Those members in Section 28 whose property is located on Bryerly Drive, Bryerly Place, Andalusian Court, Lippizan Way, Molly Drive, Hackney Place, or Darley Drive.
- Those members in Section 20 East whose property is located on Coyote Song Lane, Vista Montanas Road, White Wolf Run or Avenida Jicarilla.

Category Two Regular Assessments will be used to fund all expenses associated with Three Canyons Road as well as any and all gates constructed or operated by the Master Association along Three Canyons Road.

Any and all Category Two Assessments will be voted upon during the annual meeting by those members who are required to pay such an assessment. The assessment will be approved if more than 50% of the eligible members voting at the annual meeting (either in person or by absentee ballot) approve of the assessment. The Board of Directors will develop the proposal for the amount of the Category Two Assessment no later than 30 days before the Annual Meeting. The Board of Directors proposal will be placed on the ballot for the annual meeting if a majority of the Board members approve a motion to do so. Any Category Two Assessment will be due 90 days after the annual meeting.

## 6. Committee Membership

### Master Design Committee (MDC)

A motion was made and seconded to appoint the members Rich Frederici, Judy Slyter, Bob Gilbert, Bud Frazee, Cathy Chouinard, Jack Lang, and Kenny Ellingson to the Master Design Committee (MDC):

The motion to appoint the Master Design Committee members carried unanimously.

### Gate Committee

A motion was made and seconded to appoint the members Tom Pickering, Ron Slyter, Jim Dobis, and Rich Frederici to the Gate Committee.

The motion to appoint the Gate Committee members carried unanimously.

#### Governing Documents Committee (CCR's)

A motion was made and seconded to appoint the members Rick Dirks, Don Penny, and Dave Hamilton to the Governing Documents Committee.

The motion to appoint the Governing Documents Committee members carried unanimously.

#### Road Committee

A motion was made and seconded to appoint the members Bob Gilbert, and Jim Dobis to the Road Committee.

The motion to appoint the Road Committee members carried unanimously.

#### Mail Committee

A motion was made and seconded to appoint the members Jack Lang, Linda Gleason, and Pat Kirk to the Mail Committee.

The motion to appoint the Mail Committee members carried unanimously.

#### Fence Committee

A motion was made and seconded to appoint the members Carol Stohr, Linda Gleason, and Evans Guidroz to the Fence Committee.

The motion to appoint the Fence Committee members carried unanimously.

#### **Appeals**

An appeal was heard from Christina Heineman concerning a home currently under construction by Walston Homes on property in section 20E. The construction does not meet the 100 foot setback as required by the CCR's. A request for construction was not submitted to the Master Design Committee prior to beginning construction, as required by the CCR's.

After much discussion, a motion was made and seconded to grant a variance for setback.

The motion to grant a variance for setback failed by a vote of 1 for, 6 opposed.

#### **Other Business**

##### Gate Maintenance Cost

An effort to collect half of \$40,656 (\$20,328) in gate maintenance cost owed to the HOA by Castle and Cook, has not been successful.

After much discussion, a motion was made and seconded to authorize our attorney to collect the money owed to the HOA by Castle and Cook.

The motion carried unanimously.

#### Council of Presidents

Per CCR 5.5, a motion was made and seconded to commence a Council of Presidents.

The motion carried unanimously.

#### Legal Action

A motion was made and seconded to take legal action, in the form of a temporary restraining order against Christina Heineman, in the event that construction on her property continues.

The motion carried unanimously.

#### **Call to Membership**

No members requested the floor for HOA business.

#### **Adjournment:**

A motion was made to adjourn. The motion was seconded and carried unanimously

The meeting was adjourned at 8:08 PM.

**Submitted By:** Greg Chouinard, Secretary