

San Ignacio Vistas, Inc.
Homeowners Association
Board Meeting
August 2, 2004

These minutes were approved by the board on September 13, 2004.

Present: Marianne Bishop, Doug Cameron, Robert Cohen, Gorman Fisher, Linda Gregory and Ron Sorenson. There were three 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 and Executive Session of July 12, 2004 were approved as distributed.

2. Officers' Reports

a. Secretary

- There are 17 homeowners who do not have a phone listing in our database.
- Currently 71 homeowners are listed as using an alternate address.
- The safe was delivered and as time permits the secretary will be taking a fan and a light to the storage unit in order to spend some time organizing the storage unit. It was suggested that the Decorations Committee look through the many extension cords and sets of lights and dispose of any that are inoperable. Those decorations that will not be used again should be donated to the White Elephant in order to save storage space.
- Received complaint from a homeowner about the advertising hang tag that Pizza Hut left on doorknobs. The secretary called Pizza Hut in Sahaurita and was referred to their corporate office. She will write a letter to the corporate office advising of our policy of no solicitations also stating the reason we do not want advertising left in front of our properties.

b. Treasurer

The Treasurer presented the Statement of Financial Condition as of 7/30/2004. A motion was made to accept the report, subject to audit and it is included as Attachment A to the minutes.

c. President

• Website

The current contract expires in mid-July and the President has authorized Marcia Lucas to renew for a year since it is more economical to commit for a year rather than month to month. The cost for the hosting is approx. \$100/yr. It was suggested that a counter be included on the site.

- Complaint Form

Our attorney has provided a form to be used by residents in order to file a formal complaint. Each committee member should have a supply of these forms, and it will be posted on the website. It is also included with these minutes as Attachment B.

- The president wanted to thank MaryLu Catino and Lillian Byerly for their work on the project of recycling cactus pads in our common areas. It was suggested that this be done in a letter of appreciation.

3. Committee Reports

a. Maintenance Committee

- A complaint was received from 4935 View Ridge regarding a volunteer mesquite. It will be handled by Felix this month and when it is removed will be treated with desiccant. Another on South View Ridge was about a mesquite that has been trimmed several times and continues to be a view blocker. Because it is on a steep bank there is a concern regarding erosion. This tree will be discussed at the next MC meeting.
- The Maintenance Committee is looking for guidance as to the most cost effective method to handle the trees: (a) top (b) selective prune the interior to remove taller branches or (c) remove and replace with other low growing vegetation to hold the banks.
- After the monsoon season the common areas trees will be trimmed as well as cutting the wild grass. A notice will be placed on the website advising of the grass cutting project currently set for the second week in October.
- The Maintenance Committee report in its entirety is posted on the website and is also included with these minutes as Attachment C.
- Doug also brought up the matter of our fire hydrants needing paint. He will check with the fire department for the recommended color and will proceed with the project.
- A box of replacement bulbs for the fixtures at the entrance monuments is in the storage facility. The secretary was asked to bring some to her home to have them readily available.

b. Architectural Committee

- The committee attempted to review each of the 31 properties that received a tree violation letter in January and which could still be affected by the moratorium enacted in February. It was the consensus of the group that they could not properly make an assessment of view blockage unless they were within the boundaries of any affected property therefore this project was abandoned.
- Linda presented a draft letter to be sent to these homeowners advising them of the status of the moratorium. Several changes were suggested and incorporated into the

letter. It was the unanimously decision of the board to send the letter as soon as possible.

4. Continuing Business

a. Moratorium – Report on meeting with attorney

- Ron Sorenson and Gorman Fisher held a conference call with Tanis and a recap of that discussion was distributed to the board prior to the meeting and it is included with these minutes as Attachment D.
- The board is awaiting a draft policy statement from Tanis concerning procedures for handling Views to be considered for incorporation into the revision of our CC&Rs.

b. Common area resolutions

(1) common area maintenance and (2) homeowner/homeowner's agent interference with common areas ● Ron Sorenson drafted language to incorporate the proposed resolution relating to homeowner/ homeowner's agent interference with common areas into our current Homeowners Rules. Although Ron had emailed the language to the board for their review prior to the meeting, the members failed to receive the document; therefore the discussion was tabled. It was decided to defer tackling the subject of common area maintenance until the study session can be held.

- Linda stated that she has been asked not to hold a study session about common area tree maintenance until more of our homeowners are back in the area. Because this is such a complex issue, it is felt that we need to have a preliminary session and Linda will begin drafting a letter to be sent to homeowners in preparation for a meeting to be held hopefully in mid September.

c. CC&Rs

- Ron will meet with Tanis prior to the next board meeting to begin incorporating suggestions gleaned from SIV Homeowners during the Town Meeting. It is hoped we can have a for the next Board meeting.

5. New Business

Ramadas

- A revision to the present Ramada Rules had been drafted by the AC but was not supplied to the board prior to this meeting. Gorman Fisher will see that the draft is distributed prior to the meeting and placed on the next agenda.

6. Adjournment

The meeting was adjourned at 10:20 AM.

Respectfully submitted,

Marianne Bishop, Secretary

ATTACHMENT 'A'
SAN IGNACIO VISTAS, INC.
HOMEOWNERS ASSOCIATION
Statement of Financial Condition
7/30/2004

2004 Assets and Liabilities

Assets

Operating Funds	39,278.94
Reserves (Face Value)	138,278.93
Total	177,557.87

Liabilities

2005 dues paid in advance -
2004 Income and Expenditures

Income

Dues	69,996.00
Operating Funds Interest	146.19
Reserve Interest	2,915.95
Other Income: Reserves	22,670.89
Total	95,729.03

Expenditures

Operations Expenses	25,554.42
Reserve Projects	81,011.45
Total	106,565.87

Homeowner's Reserve Equity

Total Reserve Equity	138,278.93
----------------------	------------

Reserve equity, per member 606.49

Unaudited

SAN IGNACIO VISTAS, INC.
COMPLAINT FORM

Date:

Complainant:

Respondent:

Nature of the Complaint: (Describe in detail, giving dates, others with knowledge and whether you have discussed this with the Respondent.)

By signing below, I agree to participate and testify in any legal action arising out of the allegations set forth in this Complaint

Signature:

Address:

Green Valley, AZ

Lot#: _____

ATTACHMENT 'C'

Maintenance Committee Report

Two requests for consideration of tree removal or trimming were received:

1. 4895 S. View Ridge Drive, Lot #105
2. 4935 View Ridge Drive, Lot #110

In that these requests were given between Maintenance Committee meetings, we have not made any disposition on the requests. (Next meeting - August 5 at 3:00 p.m.)

The Committee's objective is to preserve homeowners' views while retaining as many common area trees as possible. The first choice is to prune selectively to preserve the aesthetics of our common areas and retain noise buffers but in some cases the removal of tree(s) is the only solution.

Every homeowner has his or her own definition of view. This disparity of opinions means that the Maintenance Committee will be looking at each request on a case--by-case basis.

Because of the costs of the removal/pruning of common area trees the Maintenance Committee, at the February meeting recommended that the Board create a rule that a Homeowner pay for removal of common area trees and re-vegetation of the area and/or pruning of common area trees.)

(Reference – June 7th Maintenance Committee Report)

The Committee is 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. At the next meeting of the Committee, we will evaluate the trimming of all common area trees as to need and cost. With the advent of the number of years of growth on common area trees, the problems of view will continue to escalate. This will be an on-going problem and needs to be addressed.

The workload for the Committee will also increase, thus other homeowners will need to volunteer to assist on the committee. It is hoped with the positive approach by the association and its committees more assistance will surface.

BY: M. Douglas Cameron Representative to the Maintenance Committee

ATTACHMENT 'D'

The following are questions discussed with SIV lawyer, Tanis Duncan and Ron Sorenson & Gorman Fisher on July 21, 2004:

I. Does the statute of limitations apply to the planting of palm trees and to the view obstruction by palm trees?

This question relates to the discussion Ron made at the July BOD meeting, and agreed follow up, relating to the Email response Tanis sent to Linda Gregory on the subject of the palm tree moratorium.

a. Relative to planting---APPLIES. Just as it relates to palm trees, it also relates to any other tree planted and approved within the considered (6 yr.) time frame. If palm trees are to be excluded from planting then a change must be made to the CC&Rs, so stating.

b. Relative to view obstruction---DEBATEABLE. The points of discussion encompassed two major types of palm plantings, (1) single palms & (2) clumps or very bushy palms.

(1) Single palms---The arguable issue is, should a reasonable person have realized that a palm tree was going to grow above a house that would present a small material view interference vs. other trees that could be pruned without killing the tree.

(2) Clumps & Bushy palms---This situation can have a more adverse affect upon views and may present greater view interference

*Summary Statement: Types of trees planted in the past 6 years, either directly or indirectly approved by Fairfield and/or SIV AC, cannot be restricted for planting in the future unless so stated in a change to the CC&Rs. Views interfered with by a single palm should not generally provide a material interference; however, clumps of palms and very bushy palms could provide a material view interference. Also trees that have been above housetops during the last 6 years and not cited as "material view Interference" may have exemption relative to the statute of limitations.

Ron Sorenson's specific questions to Tanis, with her response, are as follows:

1. Are palm trees in SIV planted with Fairfield or Architectural Committee approval:

a. Subject to, or exempt from, the provisions of Sec. 13.13 of the CC&Rs which prohibit material interference with views:

Answer: Is subject to.....

b. Does the SIV Board have the power to adopt a valid, enforceable Resolution, which conflicts with, contradicts or purports to nullify or amend a provision of the CC&Rs?

Answer: NO

2. Does an Arizona statute of limitations prohibit the SIV HOA from enforcing Sec. 13.13 of the CC&Rs against owners whose palm trees have been determined by the Board to be materially interfering with views?

Answer: Maybe (see *Summary Statement above)

II. Is it possible to relieve the AC from actively seeking view problems?

The following questions were for additional information and relate to the fact that no written complaint of view interference had been made against the homeowners receiving the original AC "view interference" letter. Also it has become very apparent that there is extreme difficulty in getting an agreeable definition of "material view interference" among AC members as well as other homeowners. The pro-activity of past ACs was driven by the urging of our lawyer to not take a laissez-faire attitude about the CC&R & AC rules. Tanis felt that the burden of enforcing the CC&Rs lies with the board and its appointed committees and that doing nothing until a problem arises is an incorrect position to take. Discussion then led to how it would be possible to have view interference problems initiated by homeowners rather than the AC. Two examples of such a procedure were discussed:

a. Desert Hills V HOA includes the following statement within their CC&R : "... Trimming of trees and other vegetation to accommodate view of neighboring properties is a matter to be negotiated among the affected property owners"

b. San Ignacio Heights HOA has written policy statements concerning procedures for handling some items (i.e. Views) within their CC&Rs. Their statement relating to view interference states that the initial complaint of a view problem should be discussed (and hopefully resolved) between the affected homeowners. If no resolution occurs, then a written complaint is made to the AC, BOD, or litigation until resolution occurs.

Summary---Tanis was asked to prepare a policy statement for SIVHOA that would be similar to that of San Ignacio Heights HOA.

III. Is it possible to present separate sections of the new CC&Rs to the homeowners for voting?

This question relates to the possible difficulty in receiving a "super majority" (67%) vote for the new CC&Rs because of the issue of defining views.

Tanis' answer to this question was that it is not practical. The problem lies with the fact that the CC&R definitions and interrelated references need to carry through the entire document. If different articles on views were presented to the homeowners for their choice during the vote for the revised CC&Rs, it would not be possible to keep the definition and reference continuity within the new document.

It was suggested that the following be done to help gain an overall feeling of the association's desire for CC&R verbiage concerning views:

a. Submit, via a written ballot, several view proposals to the homeowners for their consideration.

b. Depending upon response to the above, include the "view article", receiving the greatest number of votes, to be included within the revised CC&Rs and to be presented for homeowner's voting upon the revised CC&Rs.