

The following from p 4 of the Nov 16, 2008 LLPOA minutes/newsletter contains admissions establishing knowledge on the part of those controlling the LLPOA that:

- (1) They cannot collect so-called "back dues" in a 'collection notice' fashion. This is because (a) the so-called dues are known by them to not be debts and (b) an LLPOA attorney cannot assist them by knowingly mail false collection notice letters without the risk of being liable for statutory damages and the recipients' attorney fees under the Federal Fair Debt Collection Practices Act, 15 USC § 813.
- (2) They "can not put a lien on a property" for a non-payment of so-called dues. This is because the LLPOA is known by them to be a voluntary-membership property owners' association rather than a mandatory-membership Homeowner's Association which administers a common-interest community as defined in 735 ILCS § 5/9-102(c).
- (3) They are aware that "we would probably lose if we took a resident to court to collect back dues."
- (4) They are implicitly aware of the *Lakeland* opinion in that "We can not change the [covenants, conditions, and restrictions which do not require payments to the LLPOA] without every person in the [Loch Lomond subdivision] agreeing to it."

consultation. If a volunteer cannot be found, we will need to hire someone.

Please contact Tom Allen at 847-970-9752 or any of the officers/directors named for more information or to express interest.

The executive board meets once a month, usually the first Monday after the Board meeting. It is a working meeting at which decisions are made which help create the reports given at the Board meetings.

### NEW BUSINESS

The owner of the house at 307 Banbury has a blue and yellow Playmate boat in her yard.

Several meetings ago, we discussed not having lifeguards during the summer to save money. We are still researching that to see how our insurance would be affected. We will put out a survey since it is an issue affecting all of our beach-going residents. Discussion that followed included reminders that being a lifeguard gives kids a job during the summer, keeps swimming lessons available at the lake, helps parents keep a close watch on their children, and is a valuable, sometimes life-saving asset to our community.

The lake sprayer was told to spray twice this year because of heavy rains. We went from a lake that was overcrowded with vegetation to a lake that has no vegetation. We will continue to discuss this at the February meeting.

#### Q & A:

- How do we find an "impartial" member of the Association to perform the annual audit? We find three people who are residents of the Association, but are not otherwise involved (i.e., not on the Board, not a zone director).
- Due to the fact that there are boats in severe disrepair and those that are left out on the beaches, can we have boats removed from the beaches and stored elsewhere? There are concerns as well about people taking boats and something bad happening to those people or those boats. A lot of this comes down to policing the boat storage areas and beaches. All homeowners should police the beaches, even if they do not have boats. We will put boat storage questions in a survey. If anyone has a problem accessing the fishing pier, call Katie Cook and she will contact the boat owners and ask them to move their boats.

2009 Budget: We are trying to be conservative on proposed receipts. Our regular expenditures will be nearly the same. Planned expenditures include adding riprap (stone) at the dam, plantings, and sand.

#### Budget Q & A:

- South Beach expenditures were budgeted \$7,000 for 2008, and we only spent \$3,500. What happened to the rest of that money? We were able to use that money in other areas.
- Insurance and taxes cost \$14,000 this year. We are increasing the budget in this area for this year since

and administrator. This information has always been made available to the LLPOA membership. Some people are salaried because they spend a great deal more time in those jobs than other positions.

- The Board has always been frugal with funds that we spend. We research every purchase to get the best price possible. Costs for outside jobs keep rising, and thanks to volunteers, we are able to keep some costs down. Steve Kovac called Countryside Association, and found out that not only are their dues far higher than ours, they do not have the same facilities that we do. We also pay to maintain the dam. The IDNR would like to take it out, but we keep it up so that we still have a lake. Our property values would not be what they are without this lake.
- Are all households, even those that owe back dues, considered part of the Association? Yes. Dues reminder notices will be sent out in July. We can't collect back dues in a "collection notice" fashion. Our bylaws give us the right to form an association and to govern under reasonable rules and regulations. We can send out revocation of lake rights letters, which are not collection letters. The Board worked with an attorney to create this letter. If such a letter has been sent, it is on file with the assessor's office, and will be included in the closing procedure for the purchase of a home so that the new buyers are informed of the situation. Collection of back dues has increased since we started using the revocation letters.
- We will work with any homeowner to create a payment plan to eliminate back dues. We need the dues money to effectively run the Association, so people are required to pay dues to have the right to use the facilities. The Association can not put a lien on a property for not paying back dues.
- Per the monthly newsletter, if you plan to sell your home, please contact a member of the Board. If you are selling and you owe back dues, that could be a factor in selling your home. It is up to the seller and buyer of the home to discuss the back dues, since the homeowner gets a copy of the letter that is filed with the assessor's office.
- Rules and regulations are posted at both beaches. You must be a paid member to use the lake. This is fair warning, and is a matter of public record.
- We will send a letter to the bar association and to local realtors to inform them of our new membership chair.
- Other property owner's associations will not close on the sale of a home if back dues are owed. They instead will take possession of the property. We would hate to see that happen, and are glad that we do not do that. The legal language has changed since the founding of our Association and covenants, and we would probably lose if we took a resident to court to collect back dues. We can not change the covenant without every person in the Association agreeing to it.