

the middle of the lake where the water is deeper in order to stay cool.

### **NORTH BEACH: John Emde**

John will move the boats for the boat auction and will remove the buoy lines for the LochFest fishing derby.

The security light has been out, which is a possible reason for mischief to be happening. The circuit breaker has been checked, and that is not the problem. The light bulb will be checked to see if it needs to be replaced.

North Beach is a popular place for teenagers to go at night, especially after 11 p.m. If you see someone at the beach who does not belong there, call the Mundelein Police non-emergency number (847-968-4600), and they will send an officer out.

### **SOUTH BEACH: Jean Potillo**

**LochFest:** Kathie Knudson went over the timeline for LochFest on Saturday, August 6, as well as the events and activities for the day. Flyers for LochFest and the Bags tournament were placed on mailboxes the week before the event.

Jim Carroll did an AMAZING job working with the sponsors this year. We received approximately \$2,300 in donated products; \$1,065 in cash donations; and a \$500 grant from the state of Illinois. Thank you to Jim and the LochFest Committee for all your hard work!

Water Carnival Recap: The Water Carnival on June 25 had a very good turnout. The kids had a great time. All five boats up for sale at the boat auction were sold. A big thank you to Ann Holmes and Dan Manke for chairing this event!

### **BOAT DIRECTOR: Harold Hanson**

LLPOA will hold a boat auction on August 6 (the same day as LochFest) at the North Beach. Kay Dickman and Harold went through the entire list, including old records, and called everyone whose boat was not in compliance. This was done in October 2010, June 2011 and July 2011, and the auction has been regularly reported and advertised. Any boats at the auction that are not sold due to not being seaworthy will be picked up by Groot at the rate of one per week.

### **ADMINISTRATION/WATER SAFETY: Denise Gavin**

The South Beach pier was repaired. At a cost of \$2,550, a welder and construction team adjusted and aligned the poles to even the pier deck.

The basketball hoops at South Beach were replaced for a total of \$1407.46 (an Internet sale price of \$299 for each hoop plus tax and delivery, and \$600 for the

removal and installation). Since these repairs were unbudgeted and necessary, Dick Lincourt made a motion to approve the expenditure, seconded by Kathie Knudson. The motion was approved unanimously.

The far east pier at South Beach is in bad shape, so Denise got bids to re-deck, level and align it for \$1,440 (\$2,000 is already budgeted for this). The planks on the swingset suspension bridge at South Beach are starting to deteriorate, so Denise is looking at some options. A grill at South Beach has fallen off of the pole, which now needs to be taken out of the ground.

A resident donated a large picnic table to South Beach – thank you!

### **Lifeguard Report: Bridget Gavin**

Swim lessons are done for the summer. Sixty children participated.

After August 21, there will be two guards at South Beach. The beach will only be open on the weekends.

Question: How bad was the swimmer's itch? It was pretty bad this year. Kevin should treat for this.

### **MEMBERSHIP REPORT: Diane Adamek**

As of August 2<sup>nd</sup>, 489 (81%) of households have paid in full, and 13 (2%) have paid dues through 2011 but still owe the \$35 late fee. Five more families have made partial payments.

Selling your house or refinancing? Please have your lawyer email Diane ([lochmondPOA@aol.com](mailto:lochmondPOA@aol.com)) with a request for a paid assessment letter as soon as you sign the contract. Allow two weeks for the PAL. Please include the lawyer's full name, the law firm's name, address, phone number, email address, and estimated closing date.

### **OLD BUSINESS**

Legal Update: Lawsuit Dismissed; Collection Process for Back Dues (Dick Lincourt)

In February, a resident sued your Homeowners Association in Lake County Court. They alleged the Association had no validity, no authority to collect dues, and no responsibility to maintain the lake and parks. Our insurance carrier retained expert counsel to defend us. We are pleased to report that the homeowner has decided to dismiss the suit, paying court costs, before the matter went to trial.

In reviewing our records, it has become quite clear that certain owners have not paid their assessments, some for a number of years, and in spite of repeated reminders. After much discussion, the Board has decided that those owners who are not current with their account by September 30<sup>th</sup>, 2011, will be turned over to the Association attorney to commence collection action. This is a difficult and somewhat painful decision as our Association has always been

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collegial in nature. However, we cannot continue to maintain our lake, parks and the dam without full participation from all owners. It is not fair to the vast majority who pay on time to have to pick up the share of a few who, for whatever reason, have chosen not to pay. Contrary to what you may have been told, payments to the Association are not voluntary. We have recorded covenants that legally require that assessments be paid in a timely manner and it is therefore imperative that if you have any unpaid dues, that you bring your account current before the deadline. Owners who are in arrears may contact the Association Membership Director, Diane Adamek, to arrange payment (847-949-8641, or lochlomondPOA@aol.com).

Surveying (Dick Lincourt): Motion to re-allocate money within Capital Reserve Expense to provide \$20,000 for surveying of subdivision, dam, and North and South Beaches. \$16,000 that is budgeted for North Beach (now on hold) would be used, plus \$5,000 budgeted for the dam outlet erosion: Dick Lincourt, seconded by Steve Kephart.

Discussion: Permanent monument markers would be placed at the corners of the dam property, and the survey would have a higher standard of surveying (including topographic measurements) at the dam. A slightly lower surveying standard would be used at the beaches (mostly for boundaries). The erosion control at North Beach would not be able to be done before the surveying, so that money can be used for this project. The surveyors will be from a civil engineering firm that also does surveying work. Engineer Rob Wojtysiak told us that we need to have the surveying done before doing any repairs, made a list of requirements for the survey, and looked over the bids. It will take some time to complete this project. The contractor will also be on retainer for a year to answer any questions we may have.

Question: Can we get survey results from the Village of Mundelein for the areas near the roads? The surveying contractor will have access to Village survey records, but it won't cut the cost.

Question: What about the water area? We already have a bathymetric map, which the surveyors will include in the results.

Question: Is there anything we can do at North Beach for temporary erosion control? It's not really a priority, since it's holding up pretty well.

Motion passed unanimously.

## NEW BUSINESS

A resident has a concern about the dogs attending the Pooch Paddle running around too freely. Owners, please make sure that if you attend the Pooch Paddle, your dogs remain in control (i.e., stay at the North Beach instead of roaming to the neighbors' yards). Also, please clean up after your dog. Thank you.

Motion to adjourn by Kathie Knudson, seconded by Fritz Cheseck. Meeting adjourned at 8:23 p.m.

## ATTENDANCE

Jennifer Popowitch, Dick Lincourt, John Vicik, Steve Kephart, Harold Hanson, Kay Dickman, Jean Potillo, Denise Gavin, Kathie Knudson, Bridget Gavin, Fritz Cheseck, John Emde, Barbara Fier, Edward Fier, Chris Certa.

## UPDATE

The August 6<sup>th</sup> LochFest celebration was a huge success again this year, with over 500 people enjoying the great weather, many fun activities, information tables, and fantastic food! Check out the photos online at <http://lochlomondlaker.com>. The Loch Walk was a popular morning event, and many kids (and parents) enjoyed the new-this-year Loch Ness Fishing Derby and Bags Tournament. Many, many thanks to the volunteers, sponsors, and exhibitors who made it possible for us all to have such a great time!

Have a suggestion on how to make LochFest even better? Want to be part of the team of volunteers who'll make this happen in 2012? Drop an email to [info@lochlomondlaker.com](mailto:info@lochlomondlaker.com) or call our Administrator Denise Gavin at 847-826-8044!

Minutes respectfully submitted by Jennifer Popowitch.

### Board Officers and Directors

President: Larry Rogers (566-7299)

Secretary: Jennifer Popowitch (566-1692)

Treasurer: Steve Koch (566-3120)

Administrator/Water Safety: Denise Gavin (826-8044)

Membership Services: Diane Adamek (949-8641)

Boat/Pier Director: Harold Hanson (393-7034)

Dam/Path/Entrances Director: Dick Lincourt (949-5729)

North Beach Director: John Emde (566-9583)

South Beach Director: Jean Potillo (949-9370)

Lake Management Director: Steve Kephart (970-7940)

Board Members-at-Large: Jim Carroll, Fritz Cheseck, Kay Dickman, Kathie Knudson

**NORTH BEACH: John Emde (absent)**

No report.

**SOUTH BEACH: Jean Potillo**

The buoys are in, and the goose mess has been cleaned up from both of the rafts and the piers. Jean and Denise put bright orange tape and Halloween garland on the rafts as a creative goose deterrent. The buoys will be cleaned before they are re-installed in the spring.

Grills: Many of the stationary grills on poles have rusted out, and a few others are getting wobbly. Very few residents appear to use these stationary grills. Moving forward, some possibilities include replacing the grills with fiscally-responsible alternatives and removing the current grills. We also need a new hot coal bucket.

Discussion: Permanent structures in a park are not preferable. A portable grill offers more options (they can be moved out of the way of activities).

If a few of the current grills are rusting out, and they were all installed at the same time, the rest become a liability.

A&H dug out the concrete at the basketball hoop. Denise will contact them to get a bid to dig out the concrete at each grill site.

**BOAT DIRECTOR: Harold Hanson**

Both beaches appear to be in good shape.

Two weeks ago, a paddleboat was stolen off private lakefront property. The boat was found and restored to its owner. If you have boats anywhere on the lake (at the beaches or on private property), you need to secure your boats and make sure you have a current sticker.

A boat used by joyriders was found washed up on South Beach. There was no registration or record of this boat, so it has been sold.

Reminder: Residents who store their boats on either beach must secure their boats, even if they are on the boat racks. Those on the tops of the racks are the most susceptible to wind, and, as has happened in the recent past, can blow off and damage private property.

**ADMINISTRATION/WATER SAFETY: Denise Gavin**

Denise has begun shutting down the beaches for the winter. The water has been shut off and the garbage will be collected monthly.

Vandalism: At South Beach someone spray painted the motion detector light and the number pad at the gate. Dick Lincourt has suggested installing two motion lights above the gates at both beaches.

Question: are motion detector lights a possibility at the dam? We might have to look into battery-powered lights, since there may not be electricity at the dam.

We need new lifeguards for next year. If we don't have enough guards by next spring, Denise will ask

Mundelein High School. If you know someone who is 15 or older and is interested in guarding, please encourage them to join. Contact information is found in the "Announcements" portion of the newsletter.

**MEMBERSHIP REPORT: Diane Adamek**

As of October 4, 502 (83.5%) of households have paid in full through 2011. Twelve households have paid their dues but still owe the \$35 late fee.

Please remember that only owners who are paid in full, including any late fees, can vote at the November Annual Meeting.

Reminder: If you are selling your home, your lawyer should email Diane ([lochlomondPOA@aol.com](mailto:lochlomondPOA@aol.com)) for a paid assessment letter as soon as a contract is signed.

**OLD BUSINESS**

Legal Update (Steve Koch for Dick Lincourt): The Annual Meeting presents an opportunity to discuss the legal plans and activities of the Association.

We have an ongoing project with Kovitz, Shifrin and Nesbit to increase our collections activities on a more formal basis.

There are some complications with the survey projects that have come to light, and we need some legal advice on how to handle those.

Update from Dick Lincourt: Necessary work to eliminate progressive erosion problems at the dam outlet and at North Beach has made it necessary to re-survey all Loch Lomond Association-owned properties this year, before beginning construction. In the course of the surveying, we have found some "surprises" in the actual boundaries. These involve the Edgemont right-of-way and some lakefront properties. Once the surveying is completed, the Board will work with the homeowners involved and the Village of Mundelein to avoid any future problems with the boundaries.

In compliance with our legal responsibility to make sure that all homeowners share equally in supporting our neighborhood association and properties, the Board had agreed that those still in arrears on their dues or not in a payment plan after September 30<sup>th</sup> would be referred to our Association counsel, Kovitz, Shifrin, and Nesbit, for collection. We very much regret that it is necessary to take this step with about 15% of our homeowners.

The Common Interest Community Association Act, which became law in July 2010, governs Associations such as ours. Last year, we made several changes in our Bylaws to comply with the Act. In 2011, the Act was amended in over 35 sections! (IL Public Act 097-0605). Further amendments to our Bylaws must be made this year to comply with these changes.

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erosion control at the North Beach inlet and at the dam. The CD and money market funds are set aside for projects such as this.

The 2012 budget was created based on the forecast that 90% of homeowners will pay their dues, as opposed to 85% in the past.

The management company cost is significant, and we are not sure how much the transition will cost. There may be some duplicate categories between the cost of the management company and other line items (i.e., mailing costs), and time will tell where these duplicates are when we begin working with the management company.

There will be NO CHANGE in the dues rates for 2012. They will remain \$350 per year (\$175 for seniors).

The annual audit was performed. A special thanks to the audit committee: John Schockmel, Kelley Happ, and John Vicik.

Motion to approve October Treasurer's report by Jean Potillo, seconded by Dick Lincourt. October Treasurer's report approved unanimously.

### **MEMBERSHIP REPORT: Diane Adamek**

Statistics: We have 599 homes and two vacant lots on Estate Lane for a total of 601 properties. The owners of the vacant lots are current with their dues payments. One lot is for sale.

Dues Payments: As of November 9, paid membership (through 2011) was 504 (84%); 2010 was 83%, 2009 was 81%, and 2008 was 85%.

There are now 192 senior-rate memberships, and 90% have paid. 2010 was 176 with 91% paid, and 2009 was 172 with 91% paid. Of the 409 non-senior rate, 82% have paid.

Home Sales: This year, there have been 10 sales finalized and two are pending. 2010 had 22 sales finalized for 20 properties. Please welcome all our new neighbors!

As of November 12, 2011, there were 12 "for sale" signs out, including the vacant lot, and six homes that have signs out sporadically. November 13, 2010 had 15 "for sale" signs up, and three other houses had signs out sporadically. 2009 had 13 sales finalized and 15 signs were still up.

Renters: There are at least 25 rentals with at least two rented by owners who haven't paid dues in a number of years. 2010 had at least 23 rentals, 2009 had at least 18 rentals. The owners are responsible for paying the dues.

Reminders: A paid assessment letter (PAL) is required at the closing of any house sale. Diane will be responsible for these letters through November 30. Please let her know as soon as a contract is signed, and she will send you, your realtor, and/or lawyer a copy of the PAL. The management company will be responsible after that. Diane will have a message on the current phone and email through the end of the year.

Our website address is [www.lochlomondlaker.com](http://www.lochlomondlaker.com).

### **LEGAL REPORT: Dick Lincourt**

A resident, who is an attorney (though not licensed to practice law in Illinois) filed suit against LLPOA in February. His suit alleged a number of improper actions by the Board over the years and sought to have our rights to enforce rules and collect dues nullified by the court. The Board felt these claims were without merit and instructed legal counsel to defend LLPOA.

The complaint was improperly filed and he was given a chance to amend the complaint, which he re-filed in March. This amended complaint was also defective and he was allowed to re-file in May. In July, the resident withdrew his suit for unspecified reasons; he can legally re-file any time before August 3, 2012. The Board carries liability insurance, which covered all but about \$3,300 of our legal expense in this matter. We consider the matter closed.

The Board has been receiving legal advice since 2010 on collecting unpaid dues. Last year we drafted written guidelines about dues payments and incorporated them in the Bylaws. This year we modified our dues billing process and have been charging a late fee for dues not paid by March 15<sup>th</sup>. Regretfully, we feel it is necessary to institute collection proceedings against residents who continue to refuse to share in the costs of the Association by paying dues. We delayed these efforts, pending the outcome of the lawsuit, but fully intend to resume collection proceedings with our Association attorney. The Board has a legal obligation to make certain that Association costs are shared by all who benefit from membership.

### Q&A

Are the renters assessed the dues? No, the homeowners are assessed. The homeowner can transfer lake rights to the renters, provided that owner is in good standing.

Are there penalties for owners who have not paid their dues over time? Yes, they are assessed a late fee of \$35 per year for delinquency.

No individual Board member can make an exception to the late fee. The Board would have to make this decision, but they are trying to be fair to all residents, without partiality. The dues are a bill, and Loch Lomond residents are obligated to pay on time, as with any other bill. Any resident is welcome to come to an open meeting and discuss this.

### **DAM, PATH & ENTRANCES: Dick Lincourt**

All remain in good condition, although we continue to experience vandalism at the dam and to our gates and fences: warning signs stolen, fences bent, and locks damaged and spray-painted. If you witness suspicious activity, please call the police.

The Department of Natural Resources regulates dams in Illinois. In addition to annual maintenance reports, they require an inspection by a professional engineer