

April 23, 2018

This letter is written by the undersigned on their behalf and on behalf of other residents of York Village to the Trustees and in response to Sydne Siefert's email of April 22, 2018, concerning the proposed York Hills Entrance Gate project:

1. At the June 16, 2016, Owners meeting at Brentwood Forest, a brief discussion concerning preliminary drawings from Rich Emery's office took place. No cost estimate or input from owners was sought and thus not provided.

2. In 2017, there was no Owners Meeting. Instead, a brief discussion took place at the 4th of July party celebrated on July 9, 2017, at the Machon's front yard 26 Sussex.

3. The first indication the Trustees desired to have an Owners meeting and Trustee Election at said 4th July party was via an email notice dated July 8, 2017.

4. Later on July 8, 2017, in response to the Trustees notice, Norm and Joan Krumrey (both former York Village Trustees) sent an email to the Trustees and other owners, protesting the Trustees stated intention to have a Trustees election the following day. The Krumrey's quoted the specific wording within the Indenture, mandating there be at least a 30 day written notice prior to a Trustee election. Several additional owners sent written objections to the Trustee "notice" to have an election and other business discussions at the parade and party.

5. Most York Village Owners were not in attendance at the July 9, 2017, party and parade and therefore had no input concerning the York Hills entrance project.

6. Evidently, in August, 2017, York Hills owners received a survey from the Trustees soliciting comments concerning the "entrance project". The vast majority of York Village and York Woods owners were not provided the survey nor an opportunity to voice their opinions (input) on the project. Certainly a proposal to spend Fifty Thousand Dollars (\$50,000) of York Village Association monies should have mandated that ALL York Village owners be provided an opportunity to voice their opinions concerning such expenditures.

7. On April 7, 2018, the owners of York Village were invited to an outdoor meeting on Monday, April 9, 2018 at 5:00 p.m. at the corner of York Hills and McKnight Road. The purpose of the meeting

was to have the Architect "walk us through the precise location of the plan and answer any questions." At that meeting, attended by approximately 30 owners, Tom Shipley, Sydne Siefert, and Jeff Day (architect), the following facts and information were confirmed:

A) The proposed design of the Project was not originally suggested by the architect, but rather was based on a drawing provided by the Trustees.

B) Many at the meeting stressed that the proposed design is not in conformity with, and indeed is completely at odds with the style of the 1950's ranch homes on York Hills.

C) Of the Owners present at the meeting, all but one expressed opposition to the design and cost of the Project.

D) Mr. Shipley did not offer any information as to the basis for his estimated \$50,000 total cost of the Project. He stated that no construction bids had been obtained by the Trustees as of that time.

E) There appeared to be some confusion between Mr. Shipley and the Owners regarding the source of the money for the Project; Mr. Shipley stated that the \$50,000 was not coming from the "Capital Reserves" (aka "Savings" on the 2016 "Account Balance" sheet), but rather from some other source.

F) Owners at the meeting requested that the architect provide several options for the Project design, and it was our understanding at the conclusion of that meeting several options would be subsequently presented.

Yesterday, April 22, 2018, Ms. Siefert sent an email that included some background history of the York Hills "monuments", including a reference to a survey conducted in August, 2017 of York Hills residents, and a single, revised plan for the Project. While we appreciate the information, several critical problems remain:

i) This email states that "A survey of York Hills residents in August 2017 determined the majority wanted the walls replaced." But, Ms. Siefert's summary of the survey noted that survey, emailed on August 28, 2017, stated, "opinions were mixed on whether to repair or replace the existing walls, but if we replace them, the general consensus is to use stacked stone with a small tower...". As previously discussed, the survey went only to York Hills residents, and only quoted an estimate on repair of the walls (\$20,000), but did not mention a potential budget of \$50,000 to replace them. While individual comments from the survey were provided to York Hills residents, the total number of respondents was not. Again, please note the survey was not provided to owners in York Woods or York Village.

ii) Only one option to the original drawing was presented in this latest email, and that was to reduce the size of the "Tudoresque" towers.

iii) The email invited "input into the design", but did not offer a proper meeting where all residents

interested could share their opinions and perhaps learn from one another.

iv) The email did not provide any additional information on the source of the funds, or a detailed budget for the Project.

Ms. Siefert's original term as Trustee began on June 25, 2014 and expired on June 25, 2017. As previously discussed in paragraph 4 above, Ms. Siefert's election on July 9, 2017, was invalid due to being held contrary to the Indenture requirements that the Trustees provide a 30 day notice of an election. Obviously, this Indenture requirement was not met.

The actions taken by the Trustees, as well as the actions proposed to be taken to complete the Project as it now stands, are in violation of the Association's Indentures as follows;

a) Section 5 (e) of the Indentures provide that "the Trustees, in exercising their judgement in the review of plans and elevations....shall consider whether the proposed constuction and its location...will be in general conformity with the style and design of surrounding structures...". The design does not meet that requirement.

b) Section 5 (e) further states that "The Trustees shall not approve the erection of any fence or wall in front of a residence building or that is greater than six (6) feet high.

c) Section 4 requires that "if at any time said Trustees...decide that it is necessary to reconstruct any of the roads, drives, lanes...they shall call a meeting of all the record owners of property...and upon the assembling of said meeting, (the) Trustees shall submit the question as to the manner in which, and the material with which said construction shall be made, and...shall proceed to make said reconstruction in the manner and with the material as determined upon by a majority vote at said meeting." Although this section does not specifically mention entrance gates, since they are specifically mentioned under item 2 (c) along with roads, drives, lanes, etc., and because they become a major feature of the subdivision as well as a major expense, any reasonable interpretation of Section 4 would be that these requirements include the construction of new entrance gate/wall. Neither the meeting held on April 9, 2018 nor any prior meetings, fulfill the requirement of this Indenture.

d) Failure to provide complete financial information regarding this project, along with the failure to provide the residents with an appropriate setting and adequate time to discuss and consider this expensive Project that will have a permanent effect on the character and appearance of York Village ***would be a breach of fiduciary duty on the part of the Trustees.***

THEREFORE, we call upon the Trustees to **cease and desist** from any further actions on the Project until the following requirements are met:

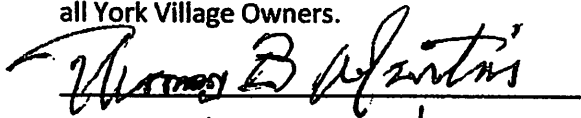
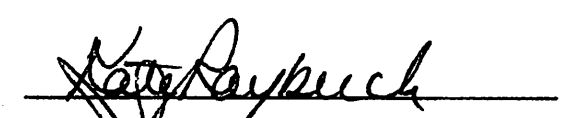

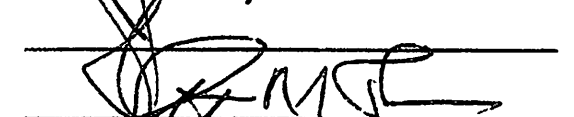
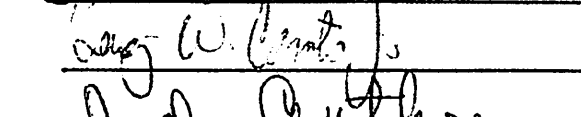
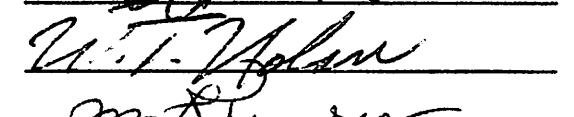
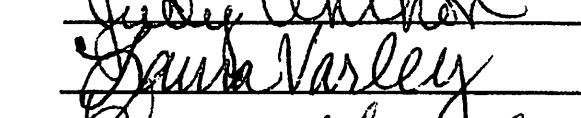
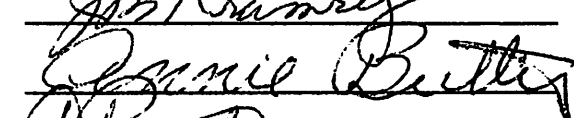
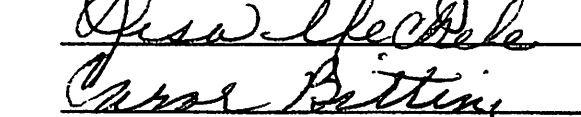
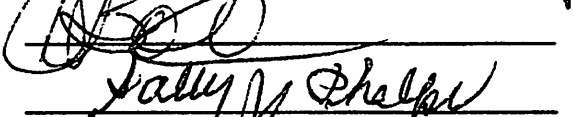

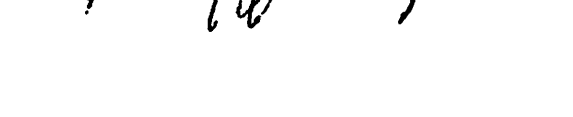




1. An Owners meeting shall be called with the proper notification in accordance with the Indentures, and shall be held at a time and place appropriate to elect 2 Trustees. Said meeting must be held prior to June 25, 2018.

2. During that meeting, at least three options for the York Hills "Entrance Project", two of which shall not be Towers, shall be presented with sufficient time for discussion.

3. A detailed budget for the York Hills Entrance Project(s) shall be distributed. This shall include the architect fees, engineering fees, construction and materials costs, as well as contingency amounts for repair of damage done to adjacent properties and unexpected expenses.

4. A current detailed Financial Statement, including balance sheets for 2017 and 2018, shall be presented and distributed with time for discussion.

We request a written response by **May 1, 2018**, so that we can move forward in the best interests of all York Village Owners.

T. SHIPLEY
31 YORK DR

