

[Monica Hadsall](#) Facebook comment on the Timeline of the HOA

(broken up for easier reading)

It is a lot, and a lot of it contradicts other parts. Which is why we are in the situation we are. Essentially, my understanding is that when the neighborhood was built, a section at a time, each section had its own rules.

Fast forward to 2014, when (because the rules were not consistent, and documentation was also not consistent) legal steps were taken by some people (?) to remove some sections from the HOA, because it was determined that the original covenants had expired, or were not legally binding anymore, for various reasons depending on which section. Somebody called in a lawyer, and now only a couple of sections still have a valid HOA. Without looking it up, I think sections C and D? People in other sections were allowed to voluntarily pay dues and be sort of honorary members (not sure what benefit that was supposed to have since we did not do it).

In 2017 I believe, those in the active HOA met and decided that the HOA should apply to all of the sections. Those at that meeting voted, and a majority of those voting agreed. However, we don't know who those people were, how many, or what sections they were from. Part of the question is that legally, signatures are required from 65% of the homeowners in each section in order to make any changes to bylaws or covenants, and I seriously doubt those numbers were in attendance.

Anyway, some of those people put together an organizing committee, and started planning an HOA for everyone. However, none of the rest of us knew anything about this until last year (2020), when we received a postcard in the mail that said the HOA was coming back. We were blindsided, and told we have to vote for a board of directors, vote yay or nay on some bylaws that have massive legal holes in them, and would have to pay fees. Many people have bought homes in this neighborhood in sections that did not have an HOA, and that was one of the reasons why they chose to live here. Now they are being forced into it, and many of us believe this is wrong and illegal.

There are lots of people who would love an HOA in order to have neighborhood picnics and events, and all of that would be available through a voluntary neighborhood association. However, legally a neighborhood cannot have an HOA (which is mandatory for every homeowner to pay into) and a voluntary neighborhood association at the same time.

So, since two of the sections do still have an HOA, it needs to be completely dissolved before a voluntary neighborhood association can be instituted. The conflicting (and lacking) information that you are struggling with is what the rest of us are struggling with too. Much of the information I just described, I only learned about last year when I asked a lot of questions. This year, I am asking these questions again, but this time nobody is answering me.

At this point, they have provided us a list of board nominees, many of whom are on the organizing committee, and told us we can add our own additional nominees. They have also provided a rudimentary outline of bylaws, but after my research they are seriously lacking in details, and could potentially give the Board of Directors enough leeway to financially harm homeowners. I don't believe anybody has nefarious purposes, but there is enough wiggle room that bad things could happen just through accidental negligence.

Anyway, we are being told we have to pick seven directors, and vote yes or no on the bylaws. I

personally don't see how initiating a board election or voting on bylaws is even legal, but if we go through with this, it could be legally binding afterward. Because of this, many of us intend to vote in board members who are wanting to dissolve the HOA, and vote no on the bylaws. I know I inserted my personal views here, but I hope some of the history of how we got to this point is helpful to you.