



## Falling Waters Membership Meeting Minutes

Date: Thursday April, 18, 2024

Location: Cross of Christ Church

Time: 6:30pm

Roll call - Sign in sheet located at front door for record of attendance. Board members present: President Zac Garner, Vice President of Operations Bob Devine, Treasurer Reginia Hinrickson, Secretary Jessica Howell

Meeting called to order - 6:32pm

Previous meeting minutes approved – All executive minutes have been approved and posted. Meeting minutes for Feb 19<sup>th</sup> were submitted in April and accepted as-is.

Welcome message – We are excited to have our first open community meeting to share our vision and view. Reginia shared post it pages hung on the back wall where residents could share messages on kudos, projects, issues, concerns. Reminders are also posted on the wall regarding project approvals, quiet hours, etc.

Special Guest - John Craig, from Craig and Craig Law - New community Attorney. John and his wife work at this firm together and currently work with 9 other HOA's. Both are mediators. Primary focus is construction and development. His wife Megan focuses on banking.

### **President – Zac Garner**

1. Busy 6 weeks, yes it has only been 6 weeks.
2. Agenda – Handout
3. Rules of the meeting – Handout- *Addendum #1* to meeting minutes.
4. Different types of meetings – handout - *Addendum #2* to meeting minutes.
5. Code of Ethics have been signed by Jessica, Bob, Reginia and Zac – Lovie is currently unable to sign but has committed to and states there is one already on file with First AM.

6. Committee job descriptions – Please send your interest to [mbarcenas@1stpropertymanagers.com](mailto:mbarcenas@1stpropertymanagers.com) by dates listed. We want you involved, please join in. As we grow as a community we will have different needs and we would like to standardize the needs and intentions of the committee. - *Addendum #3* to meeting minutes
7. Grievance – Need applicants by 1:00pm April 25<sup>th</sup>. A Signed code of ethics document will need to be signed to sit on this committee.
  - Covenants and Policies / Historian / Social and Events - Need applicants by May 2<sup>nd</sup>.
  - Landscaping committee – Currently has 2 members who do not need to resubmit their names. Anyone else looking to assist please submit your request by May 2<sup>nd</sup>. Someone who is familiar with Christmas lights would be helpful on this committee.
  - ACC update
  - Chairperson – Nancy Ellis provided updates:
    - Homes Approved 02/01/24 – Present:
      - 735 Verdano Terrace, Lot 55, Viking, 02/08/24
      - 731 Verdano Terrace, Lot 54, Viking, 03/02/24 Closed, 03/25/24
    - Approved New Plans
      - 28 Levanno Dr, Lot 28, Providence, 03/20/24
      - 19 Levanno Dr, Lot 19, Providence, 03/25/24
      - 66 Levanno Dr, Lot 60, Modern Family, 03/25/24
      - 65 Levanno Dr, Lot 84, Providence, 04/16/24
      - 97 Cambe Ct, Lot 70, Providence, 04/16/24
      - 799 Cirque, Lot 147, Marjan Trajkovski, 04/10/24
      - 15 Terrano Way, Lot 394, Regan Homes, PENDING (Incomplete Package caused delay)
    - Home Improvement Applications Approved 02/01/24 – Present:
      - 73 Bergamo, Lot 108, Hernandez Pool Request, 04/15/24
      - 42 Mattico, Lot RP9, Haynes, Pavilion w/concrete, 04/12/24
  - 3 new appointed ACC members Johnny Maricish, Ken Johnson and Ben Plesha to join Nancy Ellis, Don Plumb and Greg Howell.
  - A new submission process for contractors and review process for the ACC will be launched shortly for builders and ACC team members. The goal would be to expand this to residential requests by the end of the year.
  - Complaints have been made about underage drivers on golf carts. Remember all rules of the roads apply to golf carts as well. All drivers not accompanied by a parent need to be licensed. Please review the Recreational Vehicles Policy if you have any questions. To send the policy out as a reminder through First American.

- All HOA Board Meetings (open community meetings) have been approved: July 11<sup>th</sup> / October 10<sup>th</sup> Annual HOA meeting (Budget meeting) / January 9<sup>th</sup>, 2025-nominations for elections and notice of elections meeting / March 4<sup>th</sup>, 2025, election date. The board reserves the right to add to this schedule if needed. Worked hard with Mario to get the calendar on the First American portal active. Dates/Flyers/Activities have been listed.

### **Vice President of Operations - Bob Devine**

Thank you to the previous board members for the work they have done. This is a tough job and it is much appreciated.

1. The board's goal is to have a minimum of 3 bids for all projects.
2. Speed bumps have been painted. - No Cost to the community, paint and time was donated.
3. Standard bidding forms and contracts with T&C (Time and Materials) created. Bid package will be created and shared with Mario.
4. Light poles will be labeled and marked on community map during Spring clean up. Has a transformer and light pole and disconnect print to determine where power is pulled from. Hope is to have at least two of them done, but construction is cutting them. Bergamo and Cirque and Mattico and Druim - transformer was moved by REMC, hot on the list to get taken care of.
5. Fire hydrant paint has been secured- goal to have all painted and labeled during Spring Clean up - no Cost to the Community
6. Confirmation received from Indiana American water that all Hydrants were flushed last year in July or August. Other residents say that hydrants have been flushed, Bob doesn't believe the hydrant was done outside of his home. 500-1000 PSI is painted orange per code.
7. Review on gates, cameras and security is in process. Looking to bid out quotes from other companies. Current companies will be in the bid process, but we are wanting to ensure we are getting the best bang for our buck.
8. Bids for lights at North gate and review of issues with lights in the north half of the community ongoing.
9. Currently building bid package for initial costs for a walking/bike lane to be painted on streets. What will the cost be, parking, a lot to think about in this so we are fully vetting the costs and community interest.
10. Future bids to be worked on, Snow removal for 24-25 season, Fall road sealing.

### **Vice President - Lovie Davis**

Unable to attend in person, but was on speaker phone.

## Treasurer - Regina Hinrickson

1. Operating Year Financials- \$126,503 (Executive financial summary *Addendum #4* to the meeting minutes)
  - Checking Account
  - CDs \$77,747 and \$20,576
  - Restructure of Accounting- Operating year is 2024, we want our money to work hard as previous boards worked hard to have a good budget for us. Regina has met with several people about the budget and appreciates their assistance. New structure starting with February and March? There will be less items on the budget lines but it will have categories to expand on. This will be easier for Mario and First American to code items. Maintenance will be a big area, professional services. We will add and consolidate so that it makes more sense.
2. Budget
  - 2024 Adjustment- Full review. Three main things happened. 1- budget we are working with currently is off. The \$333,000 is off...developer lots were included and they are not paying for those. Actual is closer to \$270,000. 2- budget line has reserve and one says roads and should not be mixed in with operating budget. The money will still be in the accounts, but it will need to be moved. We will be opening a savings account, need to figure out how much is moving from operating account to savings. 3- Another checking account will be opened for contractor refunds. This should also be separate from the operating budget. Operating budget, savings account (gates, roads, big ticket) and contractor refund account. Regina also has viewing access now to the bank account (not writing checks) so she can validate. Weekly meetings with Mario to verify balances.
  - 2025 Development - August
3. Reserve Account
4. Delinquencies- Does not include July dues payments. Total amount of delinquencies. Have liens been filed? Yes, we do have one from Mario. All others have been asked to be sent to John Craig to review. CD rate interest and what do we do with the interest? 11 month CD APY 4.75 and rate 4.64 and CD2 unsure of current rate but renews in November, Nancy believes it is 4.75. Interest will compound as it will be money for the big ticket items such as the gates and roads. The goal and job of the treasurer is to ensure things are cost efficient and effective for all residents. Fiscal Year has been December to January, we end up carrying over a negative balance into the next year due to annual dues being sent out and paid in December. The operating year runs from January to December. A resident question- Have you considered pushing the dues date back one month so they are paid in January instead? We will consider this and look into the covenants to determine if it will allow this change. Zac looked into retroactive records from First American on the budget so we will make sure it is lining up and appropriate. Instead of end of year, suggestion is January 31.

5. Falling Waters HOA Website- started a brand new project which is the update on the website with Omar. Mock up has been created for the web page. Unsure of the go live date, board liked and approved. Not only will the same information be on there, but there will also be new information. Realty section, FAQ, emergency tab, etc. Members only section will be going away. The map with peoples names on it will go away so it will not be publicly posted. Same URL and mobile friendly. This will house a lot of helpful information for the community. The calendar will still be on the AppFolio site.

### **Secretary - Jessica Howell**

1. Spring Clean up day Saturday May 4th Sign up sheet

### **Old Business -**

None

### **New Business -**

Mario reached out to a builder because of damage to landscaping on a corner.

### **Open Forum- started at 7:25pm**

Events, activities.

Resident- spoke briefly with Zac before. \$60 increase and \$50 increase for homeowners. Sewer tap in, \$100/month fee. Dave Cullom stated that sewer payments will start once the water is turned on. The Conservancy District gets a report on water connections so they will base the start of charges on that. It would be better to tie in during construction but doesn't want to pay. This is Conservancy issue. \$1000 and now \$2000 for the ACC... \$300 to be provisioned for the roads which then adds up to \$800 for the roads. Submit for a building permit, needs site plan for state licensed engineer. McAlpine charges \$500 to look over the site plan. Which then goes to Porter County. Several charges throughout the building process. They only get \$750 back.

Zac- board is more than willing to look into these items, but this has been a standing structure.

Resident- on the board when Adam McAlpine was brought in due to a board member who was also an engineer.

Zac- Adam is protecting the communities interest when reviewing documents. Willing to look into this process in terms of when the review is happening during the process.

Reginia- Comment on the dues. How many lots we have, as more people buy we are collecting more dues. If we are able to reduce our cost (no guarantee) but we are going to look at dues. Big difference when you have a certain number of people and dues amounts. The more people who move in also create more money for trash removal and road repairs. Some things will go down and some will go up as the community grows.

Dave Cullom- once tapped in, payment is not required until construction is done. Sewage payment will begin . Zac asked that further discussion on this topic to be handled during Conservancy meeting.

Resident- How is current board handling fines and fees? I can report if my neighbor is too loud, What does the process look like?

Zac- Report any offenses to Mario or could be sent to a board member or from a board member to Mario.

Resident- What is the turn around time? Grievance is dismissed in 10 days, how does the board handle?

Zac- A grievance is not dismissed within 10 days, The request for a grievance review needs to take place within 10 days and the chairperson has the authority to extend if they deem appropriate. A grievance committee is in the process of being formed as we have asked for people to apply by way of emailing Mario.

Resident- Don't want us to give the wrong impression on the dues going down. We need a lot more money to be put away for the roads. How are we going to pay for the roads. The apparent concrete wall or fence on Cirque Dr. Viking built this home. Jim is willing to rectify this situation. Has anyone handled this with Jim yet?

Reginia- We have the Reserve study and roads will cost a lot of money. CD's will continue to grow. Review Reserve Study on how to put money away for this concern.

Zac- We will be in touch with the ACC on the official request and turn that over to Mario.

Resident- How are grievances handled and reported? How many days do you have from the date the grievance was filed to the date that the grievance is heard?

Zac- We handle on a case by case scenario.

Reginia- Private matter or private issue, we do not feel it should be discussed in a public forum.

Resident- Construction that is going on now- cars that park on streets that are more narrow. Contractors park on both sides of the street. If at all possible maybe all vehicles could park on one side of the street only to help with traffic getting through carefully.

Resident- As a previous board member, I'd like to recommend that the board review the Covenants. Be careful with what items you take on as your own problem. There are many things that are disputed between homeowners and need not have HOA involvement.

Resident- What if the dispute involves an HOA Board member? Are all matters being investigated? Before a fine were to be issued are all parties involved engaged with the investigation of the matter?

John Craig- addressed the nuisance policy. There is a warning, but no fine has been issued (referring to resident inquiry).

Resident- Model home with Providence is being used as a store front.

Jessica- shared the resolution terms and that there has been contact made with FWA to discuss the terms of the resolution.

Zac- Determining the factors with Providence.

Resident- Explain the quiet hours

Reginia- Remind everyone of the quiet hours within the Covenants. What time are the quiet hours? 11pm - 9am from the noise policy/covenants

Resident- mulch, will there be mulch put down on all of the corners? The original developer would make it look more desirable. Would like the corners to be looked at, who really should have responsibility of putting mulch on some of these corners that are actually on someone's property. Doesn't feel like this fee should be on the HOA.

Resident- Made mention of their property. Right of way encompasses 15 feet from the road.

Resident- Two big trees on the corner which could be considered as a danger as they limit visibility to those in vehicles as well as pedestrians.

Resident- If there was an issue in the neighborhood you would call the police. If you call the police would they come here?

Zac- Yes

Resident- New homes ACC report. What goes into your deliberation when you receive recommendation from the ACC. As you know we have had concerns over custom built homes being replaced by tract housing. Is the board taking this into consideration. The 30 days timeline for the project submission. Believe this to be a misinterpretation. It is currently deemed as approved if not responded to within 30 days. Maybe include something on the application that states if no response within 30 days to not assume it is approved.

- Nancy explained the process
- Zac- opinion is 30 day window stops but will bring back to legal for review. Majority of the application for the ACC is derived from the covenants. Is it 30 days from point of submission or no communication from the board?
- Reginia- We are looking at the packet submission for home plans. We trust and value recommendations from the ACC and also do a full review. Maintaining the harmonious efforts in the community.
- Issue of FWA- is that closed now?
- Reginia- previous board had already done the leg work on this and from legal advice and documentation. Closed issue as this has already been taken care of from the previous board.

- Zac- attorney brief was written. If the community feels this is still an open item in need of review we could further investigate but we need to make sure this is what everyone wants due to the cost of the process. Nathan Vis provided that FWA was indeed the Declarant.
- Resident- Do not spend any more time or money on this. Spoke with Floramo and he stated that FWA is indeed the declarant as he was the one who signed it over to them.

Resident- road situation. Doesn't understand why the developer and builders can ruin our roads and we have to pay for the roads. The dollar amount for the roads is astronomical compared to our current budget. Why are we responsible for paying for the roads? There should be rules in place in terms of how the construction traffic enters the community.

- Zac- We acknowledge that we as the community own the roads. We can review and gate access has been discussed as a board.

Resident- grievance committee, has anyone applied? Who is allowed to run for the committee?

-Zac - anyone in good standing. No one is currently on the grievance committee as all spots terminate upon an election and we just tonight are asking for people to submit their interest for review. Please submit by April 25th at 1pm.

Resident- Roads. Pouring concrete during the winter, frost laws should be in effect. Asking the board to look into this to work with the contractors.

Resident- Looking into closing the gates during the day?

-Zac- It has been discussed. Based on the survey it was a topic with high interest. Looking into reliable call box, do we make a community only lane. Looking into these efforts.

-Resident-We are considered a gated community but we do not have the gates closed for all hours.

Resident- Always thought the front gate was open for contractors during the day for convenience.

- Reginia- We also need to think about how we will get our packages. Several new people didn't have their decal or code and weren't able to access.
- Resident- when all of the building is complete I assume it will be closed 24/7
- Resident- possible greenhouse on their property?
- Zac- submit to Mario and the ACC and board can review. We can add to the list of things to look into if this is a common ask.

Resident- Hone in on the cost of the gates so we can possibly staff the guard house to allow Amazon and other delivery companies in after 6pm.

Resident- Can we have more stringent rules in terms of the noise. Be a good neighbor and considerate of others at all times, we are each others neighbors.



Motion to adjourn 8:30pm

# Falling Waters

## Meeting order and expectations

The 2024 Falling Waters board of directors is excited to be holding our first public meeting. It is our goal to have open community meetings quarterly. For ease of schedules, we have listed those open dates in many areas, including this document, First American's calendar, it will be on all meeting minutes and events will be created on the Facebook page.

It is our goal to be respectful of the communities' time. Keep meetings orderly. Be open, honest, and clear with our message to you. We would also ask the same of you. We want to have time to hear from you and everyone. We find it important to let everyone know our intent and process for running meetings.

All meetings will follow the agenda. Copies of the agenda will be provided before or at the time of the meeting.

This is the basic order in which meetings will go:

- Call to order and welcome message.
- Roll call – (Done via sign-in sheet)
- Previous meeting minutes approval
- Special guest recognition
- Officer and committee reports
- Old business
- New business / Action items
- Open forum –
- Adjourn

It is important to note that during Officer and Committee reports questions should be kept to a minimum. These reports are not an open forum. The director may allow some questions or points of clarity, but these will be kept to a minimum so all reports can be given in a timely manner. Most questions should be reserved for the open forum section of the meeting.

Repeated outbursts or overtalking of the directors or others who have been recognized to speak, will not be allowed. Continued interruptions or loud side discussions will be asked initially to respect the rules of the meeting, as a warning. If the issue continues you will be asked to leave the meeting. Any acts of aggression, intimidation, loud overtalking or anything not acceptable to any director will result in you being asked to immediately leave the meeting.

We will run the meeting with order and respect and expect all attendees to do the same.

Upcoming meetings,

- July 11<sup>th</sup>, 2024
- October 10<sup>th</sup>, 2024: Annual HOA Meeting (Budget Meeting)
- January 9<sup>th</sup>, 2025: Nominations for elections and notice of elections meeting.
- March 4<sup>th</sup>, 2025, Election Date

Thank you.

FW BOD 2024

## Different types of meetings

### HOA Executive Session

Executive sessions are meetings with a select group of people to converse about confidential and private matters. These gatherings may happen before or after a regular HOA board meeting and only board members and involved parties may attend. The following topics may be addressed:

- Resident appeals.
- Personnel problems.
- Ongoing litigations.
- Disciplinary actions.
- Personal issues.

While closed to the public, residents still have a right to know that an executive session took place.

Due to the sensitivity of the information, minutes aren't always available to members, but outcomes and actions can be noted.

### HOA Board Meeting

Held monthly or quarterly, board meetings are the most common type of HOA meeting. All board members must/should attend, and resident and community manager participation are recommended for engagement and transparency. Residents should be notified of a board meeting and the agenda seven to 30 days in advance. And it's usually required that minutes be taken and distributed afterward. During HOA board meetings, board members do things like:

- Resolve disputes.
- Assess vendor performance.
- Go over maintenance reports and budgets.
- Listen and respond to attendee questions.

### HOA Annual Meeting

Annual meetings are perhaps the most important HOA event. Typically mandated by law, annual meetings occur once a year, and board members, residents, and management representatives should attend. The purpose of an annual meeting is to discuss large-scale issues and educate residents. Similar to an HOA board meeting, at least a 30-day notice should be given, and minutes taken and distributed. An annual meeting is reserved for the board of directors to:

- Present the annual budget.
- Elect new board members.
- Hear committee reports.
- Announce upcoming projects.
- Address issues.

- Celebrate accomplishments.
- And more.

#### **HOA Committee Meeting**

Many HOAs have committees to assist with small-scale projects. Each committee should have periodic meetings as necessary or according to their HOA guidelines. The structure of a committee meeting is a lot like an open board meeting—members are given anywhere from a seven- to 30-day notice, and a lead committee member will be responsible for taking minutes.

#### **HOA Emergency Meeting**

Also known as a special meeting, emergency meetings are held when an HOA board needs an emergency gathering or an immediate decision or action is needed. Emergency meetings are rare and prior notice isn't typically given. With the authorization of the president or at least two board members, an emergency meeting can be held in person, via email, or over the phone. When it comes to taking minutes, a record of all minutes should be taken and made available to members.

## Falling Waters

### Social and Events Committee

Description and Purpose: Creating, developing and running community activities which build a stronger sense of friendship with all residents and allow social interaction with other residents. This would include outdoor and/or indoor events for families, children, and adults only.

Duties: Planning events, creating flyers, developing budgets, acquiring quotes, collecting and submitting received revenue to the Treasurer, creating reports following the events (if required). Ensures the Falling Waters HOA Website, Calendar and Facebook are updated with events for all residents to view. Ensures old events (i.e., older than 6 months) are removed from the Falling Waters HOA Website and Facebook.

Skills: Detail oriented, organized, good communication with all parties, ability to achieve cost efficiencies. Ability to host people and project exciting and fun environment. Fundraising skills would be helpful. Experience with word processing, presentation, and photo software at a minimum (i.e., Microsoft, Google, Photoshop, etc.).

Reports to the VP.

Member Number: Minimum of three members; however, can expand to five or more if needed.

Frequency of meetings: As needed, moderate time commitment.

## *Falling Waters*

### Landscaping Committee:

#### Description and Purpose:

To maintain (planting, weeding, and watering as needed) the general landscaping at the South Gate, North Gate and various corners within the subdivision. This includes spraying weeds in landscaped areas and curbs throughout the subdivision. To work with community engagement ideas for enhancing the overall appearance of our community. This could include holiday décor and seasonal decorating ideas for beautifying our community and promote community involvement.

**Duties or Skills:** Desire to play in the Dirt! Keen eye for what looks good. Good working relationship with the board and community. Submitting budget requests for yearly and capital projects for appropriate budget allocations.

**Reports to:** President

**Members needed:** 3+

**Frequency of meetings:** As needed. Medium time commitment.



## *Falling Waters*

### Historian Committee

Description and Purpose: Assembles, records, and preserves benchmark accomplishments and historic events within Falling Waters.

Duties: Prepares annual reports to the HOA Board and during the HOA Annual Meeting. Tracks and records HOA Board, committee and subcommittee personnel. Takes and/or acquires photos of accomplishments, events, personnel, etc. Collaborates with HOA Board, all committees, and community.

Skills: Detail oriented, organized, research, ability to write articulately, good communication with the community, investigative and discovery talents. Chronological, analytical and critical thinking to recommend determinations of what should be preserved. Experience with word processing, presentation, and photo software at a minimum (i.e., Microsoft, Google, Photoshop, etc.).

Reports to: Secretary

Members needed: Two to Three who have lived in FW for a minimum of 10 years.

Frequency of meetings:

Start: As needed, moderate time commitment.

Maintenance: As needed, low time commitment.

## *Falling Waters*

### Covenants and Policies Committee

**Description and Purpose:** Review the Covenants and Policies to identify outdated, unclear, and incorrect articles, sections and policies that need corrected, removed, or updated.

**Duties:** Submit recommendations of changes, updates, inaccuracies, and deletions of current Covenants and Policies to the HOA Board. Read and review content to correct spelling, punctuation, and grammatical errors. Rewrite text to make it easier for readers to understand. Meet with the Architectural Control Committee (ACC), Builders and HOA Board to identify potential building trends and/or confusing language. Create and develop a detailed revision log and add foot note references to policies to make it easier to locate linked information.

**Skills:** Exceptional writing, editing, grammar, and proofreading. Ability to write in plain language which would make it easier for all to read and understand. Detail oriented, organized, good communication with all parties, ability to work within a timeline, research, fact-checking, and collaborate with the HOA board and other vested parties. Experience with word processing software at a minimum (i.e., Microsoft Word or Google Docs).

**Reports to:** President

**Members needed:** Two or Three

**Frequency of meetings:** Monthly, moderate to high time commitment.

Ratified by the board of Directors October 13, 2021

## FALLING WATERS GRIEVANCE COMMITTEE

**Purpose** - The purpose of the Falling Waters Grievance Committee is to provide a forum where Property Owners may receive an impartial hearing of their complaints by a group of their peers, to issue an advisory opinion to the Board for enforcement. Hearings may be appropriate concerning a controversy between Property Owners or an appeal from a citation issued for an alleged rules violation. Such a hearing body is essential in a Homeowner Association for harmony in the community and legitimizing rule enforcement procedures, including fines.

### **Composition** -

The Grievance Committee shall consist of five or more residents, who must be members of good standing, appointed by the Board of Directors, and serving at the pleasure of the Board of Directors. The term of each Grievance Committee Member will terminate on the date of the Annual Meeting. The Chairman shall be designated by the Board of Directors.

### **Authority** -

The Grievance Committee shall hear such complaints as are properly referred to it. The Committee shall seek to arbitrate disputes between property owners, shall conduct advisory hearings and create advisory appeals from citations issued for alleged rule infractions, and shall make advisory recommendations to the Board of Directors. The Committee shall make advisory recommendations of violations in the case of citations issued for rules infractions and may recommend reducing the fine amount if there are mitigating or extenuating circumstances. Advisory findings of no violation, in a case of citations issued for rule violations shall be considered by the Board, and the Board shall communicate all decisions made, upon review of the Grievance Committee, to the involved parties.

Findings of violation may be subsequently appealed to the Board of Directors for further review in accordance with prescribed procedures, as further outlined herein.

### **Procedures** -

The Grievance Committee shall meet upon call of the Chairman. All appeals to the Grievance Committee shall be in writing and should be delivered to the Chairman. Appeals from citations for rule violations must be received within ten (10) calendar days after the postmark date of the letter notification of violation from the HOA. Failure to file a written appeal within the prescribed ten (10) day period shall constitute a waiver of appeal rights. Nonetheless, the Chairman of the Grievance Committee may, at his/her discretion, extend the appeal period if such action is considered in the best interest of the community

Property Owners filing an appeal will be notified by the Chairman of the time of the hearing, as set by the Chairman, and shall have the opportunity to present testimony, witnesses, and evidence on their behalf. Failure of a petitioner to appear for a scheduled hearing without providing at least 24 hours advance notice shall constitute a waiver of the appeal right on the issued being appealed. Additionally, there shall be a \$50.00 fee assigned for such failure to appear, such fee being collectible in the same manner as the annual assessment. In the event of rule infractions, a representative of the Board of Directors shall be present to provide evidence supporting the charge.

The Grievance Committee shall strive to hear testimony from the Petitioner, as well as from any and all contrary parties, so as to enable a full factual review of the situation. A quorum for a hearing shall constitute at least three (3) members. No recommendations to the board shall be rendered without a quorum. Committee members shall disqualify themselves from cases wherein a family member is the petitioner, a close neighbor is a petitioner, or when the committee member request to be absent from a hearing for personal reasons. A petitioner may challenge a member for cause or ask that a member not be present for the hearing for personal reasons. The Chairman shall rule on such a request.

Voting on the findings of a hearing shall be written ballot as to recommendations made by the Committee and the amount of the recommended fine. The Chairman shall provide written notice of the recommendations to the Board of Directors. Upon receipt of the filed decision of the Board, should the Petitioner believe they have been wronged, the recourse shall be to file an appeal, in a small claim's venue, located in Porter County, Indiana. Said Petition must be filed within thirty (30) days of receipt of the date of the final decision of the Board of Directors, or else the time for appealing shall expire. Each Party shall bear their own legal cost with same.

**General-** Any committee member who fails to attend two (2) consecutive scheduled hearings without being excused for cause or fails to attend three (3) scheduled meetings within a six (6) month period, for any reason, shall be assumed to be unable to meet their commitment to the Committee and shall be asked by the Chairman to resign.

Then Grievance Committee has a special responsibility to ensure that existing rules are in the best interest of harmony in the community, are being sensibly enforced, and have apparent support of the majority of the property owners. Areas of concern, or recommendations for improvement, shall be brought to the attention of the Board of Directors by the Committee Chairman.

Any member of the Grievance Committee may be removed from the Committee by the Board of Directors, at their discretion.

The Committee may be utilized for arbitration purposes of employee grievances, at the discretion of the Board of Directors. Their findings in such cases shall be advisory unless there is a prior agreement of the participants for a binding decision.

Hearings before the Grievance Committee are of a confidential nature and all committee members shall be cautioned by the Chairman regarding public discussion of hearing matters.

The Chairman and Secretary of the Grievance Committee are authorized direct liaison with, and shall be supported as necessary by, the Board of Directors for purpose of notifying participants and committee members of meetings, publishing findings, typing recommendations and related correspondence, and such other administrative support as may be necessary for the conduct of Committee affairs. A meeting place, and access thereto, shall be arranged for by the Chairman

Passed and adopted this 13<sup>th</sup> day of October 2021

## INFRACTION NOTIFICATION FORM

Comes now \_\_\_\_\_, resident of the premises commonly known as the Falling Waters Subdivision and does hereby report to the Falling Waters Homeowners Association the following alleged vehicle infraction which occurred within the Falling Waters Subdivision.

On or about \_\_\_\_\_ I did hereby observe the following:

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Location: \_\_\_\_\_

Time: \_\_\_\_\_

I do hereby state that the above facts are true, that I did observe them, and that I am willing to submit additional necessary evidence and/or testimony to the Board of the Falling Waters Association, as required pursuant to Covenants, Policies, and rules as enunciated by the Homeowners Association.

\_\_\_\_\_

Sign

\_\_\_\_\_

Printed Name and Resident Address

Date: \_\_\_\_\_



Addendum #4

102 Levanno Drive Crown Point, IN 46307 | www.FallingWatersHOA.com | 1<sup>st</sup> American Management

April 17, 2024

Executive Summary for March 2024.

Income:	\$ 12,647
Expenses:	\$ 41,815
Net Operating:	\$ (29,168)
Operating Account Balance:	\$ 126,503
Capital Reserve Balance:	\$ 35,000
Road Provision Fund:	\$ 60,000
Certificate of Deposit 1:	\$ 77,747
Certificate of Deposit 2:	\$ 20,576

The total income for March came mainly from the **Assessment Income** and **Architectural Review Fees**.

**In March, disbursements for nonrecurring expenses include:**

- Legal/Fees-Counsel: Craig & Craig Law. – For Retaining Fee - \$2,500
- Property Insurance: Traveler’s – 4/1/24-4/1/25- \$5,029
- Snow Removal: Midwest Marine – Per 2023/2024 Contract - \$24,483
- Light Maintenance: All Service – Troubleshooting exterior street lights - \$823

**TOTAL OPERATING EXPENSES**

MTD Actual: \$41,814.63    YTD Actual: \$77,442.50    Annual Budget: \$333,750

**DELINQUENCY**

- Balance from Payment due 7/1/24:        \$10,219.40
- Lots with balance owed:                    \$5,836
- Home Assessments owed:                 \$16,174.73
- Fines/Gate Decals                            \$571

**CURRENT LIENS**

-  Need to send to Craig & Craig