

River Oaks Trace Property Owners Association
1309 East Race
Searcy, AR 72143

14 August 2019

River Oaks Trace has a serious drainage issue. The extreme amount of rain that fell this past fall, winter and spring caused erosion, destroyed grass, led to leaks, and worsened several other issues.

One of the best ways we as owners can help ourselves, our property values, and our level of homeowner fees is to be aware of what we plant. Many of you may not be aware that our Trace is composed of ***general common elements*** and ***limited common elements***.

General Common Elements are (from our Master Deed Sec. 1, Paragraph 1.4) ". . . the land upon which the building is situated, the foundation, main or load bearing walls or columns, roof, halls, stairways, and entrances thereof, the landscaping, yards or gardens, the tangible personal property required for the maintenance and operation of the [property] . . ." Basically, this means when you walk out of your condo, you enter ***General Common Elements*** (except for your flowerbeds).

Limited Common Elements include (Master Deed, Sec. 1, Paragraph 1.5) ". . . those elements which are reserved for the exclusive use of a certain apartment or apartments [condos] . . ." This means no one can choose to park in your garage, party on your deck, or plant flowers in your flowerbeds.

Your ROTPOA has the responsibility of administering the requirements of our Master Deed and the By-Laws associated with the Deed. Article V, Paragraph 5.3.a. states that the Board has authority "to administer and enforce the covenants, conditions, restrictions, uses, limitations, obligations and all other provisions set forth in the Master Deed."

Article V, Paragraph 5.3.c., also gives the Board authority "to keep in good order, condition and repair all of the general and limited common elements and all items of personal property used in the enjoyment of the entire premises."

WHAT DOES ALL THIS MEAN TO US -- THE OWNERS????? It means that . . .

1) No tree or shrub or plant of any kind is to be planted in any **General Common Element** without the approval of the Board.

(2) No tree or shrub or plant of any kind is to be planted in an owner's **Limited Common Element** (flowerbed) which poses potential danger to the **Limited Common Elements** or the **General Common Elements**. Thus, no trees should be planted in flowerbeds. Any shrubs planted in flowerbeds should be kept trimmed to avoid excessive root growth which damages foundations or sidewalks. In addition, all flowerbeds are to be bordered and are to be kept neat and cleaned out with no weeds, stray grass or trees, or trash.

(3) Your Board has the authority to trim back or totally remove such shrubs, trees or plants from **Limited Common Elements** or **General Common Elements**.

In the past, trees and shrubs have been planted "at will" throughout the Trace, and many have caused considerable expense to we owners by the damage which has resulted. Your Board encourages every homeowner to take a close look at his/her flowerbeds and remove potential problems. If you have planted trees in **General Common Elements**, please contact a Board member to ask about keeping such trees; if potentially damaging, such trees need to be removed.

We all desire our community to have a well-kept appearance -- and, surely, we all desire our property values (and our investments) to remain high. Your Board is working diligently to achieve those goals, and we sincerely seek your cooperation. If you have any questions or comments, please feel free to speak to any Board member. We work for you!

Kayla Haynie, President, 501-278-0350

Kami Castillo, Secretary, 870-262-7198

Linda Landis, Treasurer, 501-593-8170

Donna Welch, 501-230-5747

River Oaks Trace Property Owners Association
Minutes of Board Meeting, August 13, 2019
#14 River Oaks Trace

All members of the Board were present: Kami Castillo, Kayla Haynie, Linda Landis, Donna Welch. The meeting was called to order at 6:15 PM. (No meeting was held in July 2019.)

1. No Financial Report for July was available. July 31 marks the end of our fiscal year, and Miller & Rose is preparing both the report for July and the report for the entire 2018-2019 fiscal year. If you would like a copy, please let one of your Board members know, and we will get a copy to you as soon as the reports are available.
2. The Board discussed the work accomplished so far by our maintenance worker, Mike Ordoyne. Mike devotes 45 hours per month to work in the Trace.
3. Mark Lane, city engineer, was consulted about the possibility of the city digging a drainage ditch on the east side of the Trace to allow for better drainage for condos 49-52. Mr. Lane responded that the land where the ditch needs to be is River Oaks Common land, not land belonging to the Trace. Therefore, the Board will reach out to the Commons board to inquire about their interest in such drainage.
4. PowerLift inspected #1 and pronounced it settled and ready for repair work; however, the inspector first wants to inspect #2 for any damage resulting from the work done on #1. The inspection of #2 is scheduled for August 21. Earlier #2 was inspected by the Searcy Water Department to try to determine the source of a persistent leak; the result was that the water is not city water.
5. The Board discussed the problem of some owners not paying dues on the first of the month as dictated by the Master Deed. This causes budgeting issues and makes the task of planning monthly work more difficult. The Board has prepared a mailout to send to all owners. Penalty will be assessed beginning October 1, 2019. The penalty is \$25.00 per month (raised from \$10.00 on May 1, 2005) if paid after the 9th of the month; if not paid by the 30th/31st, a charge of 10% per annum is added.
6. Currently the Board is in the process of sorting through and organizing business materials collected since 1985. The result is a better understanding of where we as a community have been and where we hope to go. Certain issues have surfaced consistently throughout the decades the Trace has existed (lawn

care, flowerbed upkeep, roofing, watering, etc). Having a clear sense of the handling of these issues in the past helps greatly in guiding the Board's handling these issues today.

Study of past decisions of the Board include:

a. replacement of fencing, decking, and railings is shared by the owner and the Trace, 50/50 (as of March 20, 2014);

b. no units may house renters except those which already had renters when the resolution was passed on September 25, 2012; therefore, no unit may be sold for the purpose of rental property;

c. flowerbeds are the sole responsibility of the owner;

d. our streets are under the care of the City of Searcy.

7. Leaf Filter installed "trial" gutter covers on #34-C and #46; the Board will monitor the effectiveness of these covers to determine whether the Trace might invest in them for all condos; effective guttering and gutter covers have been an issue for decades.

Work accomplished since our last board meeting:

1. Repair of deck gate and filling in of holes in backyard of 51
2. Trimming of trees by condos 27, 25, 24, 18; removal of trees by condos 36, 21, 28, 11, 31
3. Drainage control work on #27
4. Replace of rotten boards on deck at 34-B
5. Cleaning of gutters on 11 & 12
6. Power washing of 34-A and 34-C
7. New shutters installed on 48
8. Removal of dying shrubs at east entrance
9. Caulking and painting of columns on 14

IF YOU HAVE A NEED, PLEASE CALL KAYLA HAYNIE AT 501-278-0350 OR EMAIL AT khaynie@harding.edu. WE WILL ATTEND TO YOUR REQUESTS AS SOON AS POSSIBLE.

Kayla Haynie, president

Kami Castillo, secretary

Linda Landis, treasurer

Donna Welch