

Overlook HOA Board Meeting

Date: Tuesday, March 30, 2021

Time: 2:00 ~ 3:30 PM

Location: Zoom Call

Agenda:

David Eash: Encroachment update ~ Mike Durgan: There are (3) three easement updates to report on.

1. The Zerman Whitley Easement is officially finalized and file with Spokane County.
2. The Gibson easement granting the HOA access to their backyard property (and) their forever ongoing maintenance of the proposed drainage ditch caused by the HOA's water catchment overflow onto their property, has been delivered to the Gibson's. The Gibson's will be having their attorney review the document.
3. David Joined the Board on the Zoom call and discussed a potential easement disagreement which will be unnamed (at this point in the process) homeowner. The following question was presented to David by Mike Durgan....

There is a present day, homeowner who claims he was given permission, which looks like over 15 years ago, by a previous Board to use the HOA common area behind his home for a garden. Common area in use is approximately 3,000 Square feet. When pressed by the

current Board to provide written proof of said permission, the homeowner has not been able to do so.

David in previous conversations outside of the Board meeting had stated, should the Board wish to press the homeowner to remove the garden, fencing, and the not standing garden shed, that the homeowner may decide, to claim "Adverse Possession." His position being that he has had active possession, he has been maintaining the grounds, and that up until the present day, as many as 3 previous Boards, have seen no problem with the "said" arrangement.

At today's Board meeting, David shared that upon further research he discovered that all "Common Areas" within an HOA are the property of the entire HOA homeowners and as such an HOA Board itself cannot grant the use (or sale) of any common area without the 100% approval from all homeowners. David went on to say... However, while it may have been improper for a previous Board to grant the use of the common area, the Homeowner in question could still file for an "Adverse Possession." At which point the court would decide.

The Board thanked David for his time and advice and decided to table the issue until the April meeting, giving the Board members time to think through the Board's options.

4. Election: Update.... New Board Members / Board

Positions ~ Ron White: Ron shared with the Board that

since the annual meeting there has been two homeowners expressing a desire to join the Board and placed their names in nomination. Those individuals are Liz Legg and Blaine Plumeau. From a HOA dues and fees perspective Ron shared that both are in good standings and ask if any Board members had or wanted to voice any concerns. The full board gave both Liz and Blaine high marks. With that, Ron agreed to send out the Ballots to all homeowners for their input. Results will be available on or before the April HOA meeting.

- 5. Fire sign: Update ~ Mike Durgan:** As we are all aware from previous meetings, Spokane County (SC) has changed its “on street” parking rules for all HOA having private roads. Overlook has six such roads. Joe Vallerano was good enough to put together the supply needs via SC requirements to meet the new code. That list has been turned over to WEB for purchase and installation.
- 6. Private Roads Maintenance / Bids ~ Mike Durgan:** Due to the continuing cold weather C&H has not yet been able to complete the bidding process for the road repairs. In addition, the manufactures have yet to provide C&H with the 2021 pricing for materials.
- 7. Open Discussion:** There was no concerns or added discussion.
- 8. Adjournment:** Mike Durgan asked for a motion to adjourn, the floor seconded the motion, and the meeting was adjourned at 3:35 PM.