

# WOPOA Open Meeting 09.18.10

President Patti Flunker called the meeting to order at 9:32am.

1. Cynthia Chislom a candidate for district clerk in Burnet County requested time to speak to the community. Spoke to audience about her candidacy.
2. Sign-up speakers
  - Nicole Gelinas – As Mrs. Gelinas speech is several pages, it is included as an addendum to minutes that are filed with the official minutes at the management company, Oberg Properties.
  - Mr. Hanifin did not sign up to speak but asked a question from the audience, he wanted to clarify the question that Specht's violation was strictly for not approaching the ACC I suggest that it was also covered by being in conflict with the restrictive covenants, those that were voted on by this community in 1995 or 96 where it talks about driveways.

Mrs. Flunker stated, "that's in the ACC guide lines. I think that is a good point because there seems to be some confusion about if driveways are in the ACC guide lines or restrictive covenants and they are in the guidelines they are not in the restrictions."

### 3. Committee Reports

Oak Wilt committee Don Vogelsang reported; Mr. Vogelsang's detailed to the board on Oak Wilt is included as an addendum to the minutes which are filed with the official minutes at the management company, Oberg Properties.

Brief update:

We have the Forest Service approval for the rebate if we follow their trench line We have chosen a contractor who guarantees he will meet the Forest Service requirements. We have waivers from 90% of the required property owners for the trench to cross their property and don't foresee any issues in finalizing I have provided the Board with a Budget request for \$17,135 for the project and tree cleanup. We are awaiting budget approval and the green light from the Board. Once we have Board approval, the contractor will mark the actual trench line and can begin the work in October before leave fall. It will take a week to mark and prepare to trench, and then the actual trenching should take about a week (so about 2 weeks total)

Road Committee Dana Martin reported

Our 2010 budget was \$22,200.00 for 2010.

We have completed the following board approved repairs:

Two asphalt patches (one on the North side of the Pavilion and one on

Exeter road) at a cost of \$1,900.00 and the gravel road going to the boat parking was completed for \$2,499.00. The board also approved an amount of \$5,000.00 to go towards crack filling the road areas. As soon as the weather permits over the next 30 days we will accomplish the crack filling. It has come to our attention that there are 5 culvert locations where drainage is being hindered, and we feel that no more than \$600.00 in day labor shovel work can fix these problem areas. Can we have an approval to also spend the \$600.00 for this purpose? If so this would leave us \$12,200.00 under budget.

On another note, we are continuing to dissect the numbers for repairing & resurfacing the WO roads in their entirety. We will have a full report with recommendations to follow within the next few weeks.

It would be prudent for the WO board to re-evaluate what use to be the Road Fund and re-instate it as such, and in such a way so as it cannot be used for other purposes unless there is an emergency. The fund was to have \$1000 a month placed into it. I question if Capstone has been doing this, Ryan said he would check into it.

#### Social Committee

Amy Penner reported, The Windermere Oaks Social Committee update:

In 2010 Windermere Oaks POA has sponsored 2 main events. The Spring clean up day and the July 4<sup>th</sup> Celebration. The July 4<sup>th</sup> Celebration was a great success. We had close to 120 attend.

We have 2 events left for 2010:

October 16<sup>th</sup> – Tailgate Fall Social. The Social Committee is beginning to plan this event, and will also send out invites to hopefully we will have a great turn out! December 4<sup>th</sup> – Holiday Celebration/Tree and pavilion decorating. In addition to the above events I am anticipating providing refreshments for the next 1,3 and 5 year “town hall” meeting coming on 10/23/10. If you have any questions or would like more detailed information please feel free to let me know.

#### Grounds Committee

Dan Flunker reported for the committee, Mike Madden and Marvin Lewis fixed the windscreens at the tennis courts. We removed the cable at the boat ramp, removed most of the dead redbud trees on Exeter and replaced the light bulbs on the Windermere sign. A big thanks to Dewey Hollingsworth for cleaning up all the heavy brush along Exeter.

#### ACC

Beth Burdett reported for the ACC Committee - The committee has primarily been approving paint colors. Also approved steps and deck for Ron Starks house.

One/three/five year committee

Pat Mulligan gave the committee report The 1 3 5 Committee had a community meeting on July 17th to gauge the community's feelings on what their priorities were for expenditures over the next 5 years for WO and vote on them. It was a very lively meeting with a lot more input than originally expected and we therefore revised our original plan of voting at that meeting and just solicited additional ideas for a future vote.

Since then we met to discuss the most effective method to present the information and have agreed to hold another community meeting on October 23rd at noon and will be sending out notifications prior to the event. Our goal is to solicit written votes and on line votes.

a. Financial (Ryan Smith)

**PROFIT & LOSS VARIANCE**  
**90-135 WINDERMERE OAKS POA**  
**08/01/2010 to 08/31/2010**

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ACCT	DESCRIPTION	CURRENT PERIOD		VARIANCE	YEAR TO DATE		VARIANCE	ANNUAL
		ACTUAL	BUDGET	FAV/(UNFAV)	ACTUAL	BUDGET	FAV/(UNFAV)	BUDGET
<b>REVENUE</b>								
6000	Prior Year Dues	0.00	0	0	328.92	0	329	0
6002	2006 Annual Dues	1,650.00	0	1,650	1,650.00	0	1,650	0
6003	2007 Annual Dues	550.00	0	550	550.00	0	550	0
6004	2008 Annual Dues	110.00	0	110	385.00	0	385	0
6005	2009 Annual Dues	0.00	0	0	1,412.50	0	1,413	0
6006	2010 Annual Dues	510.00	0	510	136,784.22	146,820	(10,036)	146,820
6046	Tennis Village Fee	0.00	0	0	4,950.00	4,950	0	4,950
6110	Water Board Annual Loan Pymt	6,135.00	0	6,135	6,135.00	6,135	0	6,135
6120	Interest	45.92	0	46	460.16	0	460	0
6130	Late/NSF Fees	0.00	0	0	74.16	0	74	0
6140	Miscellaneous	400.00	0	400	1,280.00	0	1,280	0
	<b>TOTAL INCOME</b>	<b>9,400.92</b>	<b>0</b>	<b>9,401</b>	<b>154,009.96</b>	<b>157,905</b>	<b>(3,895)</b>	<b>157,905</b>
<b>OPERATING EXPENSES</b>								
<b>REPAIRS &amp; MAINTENANCE</b>								
7000	Plumbing	0.00	25	25	0.00	200	200	300
7030	Electrical Repairs/Supplies	0.00	50	50	0.00	400	400	600
7040	Building Repairs/Supplies	0.00	100	100	0.00	800	800	1,200
7080	Apt. Cleaning & Janitorial	0.00	50	50	0.00	400	400	600
7090	Pool Repair	0.00	100	100	0.00	800	800	1,200
7100	Landscape Additions	0.00	100	100	15.94	800	784	1,200
7125	Gate Repairs and Preventative Maint	612.50	110	(503)	1,647.75	880	(768)	1,320
7130	Contract Labor	0.00	100	100	580.00	800	220	1,200
	<b>TOTAL REPAIRS &amp; MAINT.</b>	<b>612.50</b>	<b>635</b>	<b>23</b>	<b>2,243.69</b>	<b>5,080</b>	<b>2,836</b>	<b>7,620</b>
<b>MONTHLY SERVICES</b>								
7200	Pest Control	0.00	25	25	0.00	200	200	300
7210	Landscape Maintenance	3,001.57	1,200	(1,802)	4,908.19	9,600	4,692	14,400
7220	Pool Maintenance	1,260.51	1,000	(261)	12,837.80	8,000	(4,838)	12,000
7240	Security Systems	0.00	50	50	478.94	400	(79)	600
7245	Gate Security	0.00	25	25	93.50	200	107	300
	<b>TOTAL MONTHLY SERVICES</b>	<b>4,262.08</b>	<b>2,300</b>	<b>(1,962)</b>	<b>18,318.43</b>	<b>18,400</b>	<b>82</b>	<b>27,600</b>
<b>UTILITIES</b>								
7302	Water	307.04	600	293	1,996.05	4,800	2,804	7,200

**PROFIT & LOSS VARIANCE**  
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ACCT	DESCRIPTION	CURRENT PERIOD		VARIANCE	YEAR TO DATE		VARIANCE	ANNUAL
		ACTUAL	BUDGET	FAV/(UNFAV)	ACTUAL	BUDGET	FAV/(UNFAV)	BUDGET
7310	Electricity	627.22	720	93	4,254.08	3,760	1,506	8,640
7315	Gate Utilities	0.00	20	20	0.00	160	160	240
7320	LCRA	0.00	0	0	0.00	0	0	500
7330	Trash Removal	2,387.00	2,387	0	19,096.00	19,096	0	28,644
7350	Telephone & Pagers	109.77	120	10	938.12	960	22	1,440
	<b>TOTAL UTILITIES</b>	<b>3,431.03</b>	<b>3,847</b>	<b>416</b>	<b>26,284.25</b>	<b>30,776</b>	<b>4,492</b>	<b>46,664</b>
	<b>AD &amp; PROMOTION</b>							
7420	Promotions / Social Events	0.00	0	0	552.06	0	(552)	2,600
7430	Signs	0.00	25	25	0.00	200	200	300
	<b>TOTAL AD &amp; PROMOTION</b>	<b>0.00</b>	<b>25</b>	<b>25</b>	<b>552.06</b>	<b>200</b>	<b>(352)</b>	<b>2,900</b>
	<b>GENERAL &amp; ADMINISTRATIVE</b>							
7500	Office Supplies	38.71	80	41	1,416.80	640	(777)	960
7507	Software License	0.00	75	75	0.00	600	600	900
7510	Professional Services	75.00	0	(75)	600.00	0	(600)	0
7511	Legal	1,100.64	800	(301)	16,643.14	6,400	(10,243)	9,600
7512	Credit Reports	0.00	0	0	1,800.00	0	(1,800)	0
7530	Payroll Admin: D. Mgr	400.00	400	0	3,200.00	3,200	0	4,800
7550	Property Management Fee	750.00	750	0	6,000.00	6,000	0	9,000
	<b>TOTAL GEN. &amp; ADMIN</b>	<b>2,364.35</b>	<b>2,105</b>	<b>(259)</b>	<b>29,659.94</b>	<b>16,840</b>	<b>(12,820)</b>	<b>25,260</b>
	<b>TAXES &amp; INSURANCE</b>							
7600	Taxes	0.00	0	0	525.00	2,100	1,575	2,100
7610	Insurance	0.00	0	0	12,916.54	12,400	(517)	12,400
	<b>TOTAL TAXES &amp; INSURANCE</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>13,441.54</b>	<b>14,500</b>	<b>1,058</b>	<b>14,500</b>
	<b>MISCELLANEOUS</b>							
7700	Miscellaneous	41.48	50	9	440.89	400	(41)	600
	<b>TOTAL MISCELLANEOUS</b>	<b>41.48</b>	<b>50</b>	<b>9</b>	<b>440.89</b>	<b>400</b>	<b>(41)</b>	<b>600</b>
	<b>TOTAL OPERATING EXPENSES</b>	<b>10,711.44</b>	<b>8,962</b>	<b>(1,749)</b>	<b>90,940.80</b>	<b>86,196</b>	<b>(4,745)</b>	<b>125,144</b>
	<b>TOTAL OPERATING INCOME</b>	<b>(1,310.52)</b>	<b>(8,962)</b>	<b>7,651</b>	<b>63,069.16</b>	<b>71,709</b>	<b>(8,640)</b>	<b>32,761</b>

**PROFIT & LOSS VARIANCE**  
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		ACTUAL	BUDGET	FAV/(UNFAV)	ACTUAL	BUDGET	FAV/(UNFAV)	BUDGET
	<b>OWNER'S EXPENSE</b>							
	<b>TOTAL OWNER'S EXPENSE</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>DEBT SERVICE</b>							
	<b>TOTAL DEBT SERVICE</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>CAPITAL GENERAL</b>							
8002	Engineering & Design	0.00	25	25	6,690.77	200	(6,491)	300
8010	Pool	0.00	0	0	0.00	5,000	5,000	5,000
8011	Landscape & Signage	0.00	0	0	7,539.76	0	(7,540)	0
8015	Painting Exterior	0.00	0	0	0.00	3,000	3,000	3,000
8062	Road Repairs	1,900.00	1,850	(50)	1,900.00	14,800	12,900	22,200
	<b>TOTAL CAPITAL</b>	<b>1,900.00</b>	<b>1,875</b>	<b>(25)</b>	<b>16,130.53</b>	<b>23,000</b>	<b>6,869</b>	<b>30,500</b>
	<b>NET INCOME</b>	<b>(3,210.52)</b>	<b>(10,837)</b>	<b>7,626</b>	<b>46,938.63</b>	<b>48,709</b>	<b>(1,770)</b>	<b>2,261</b>

**BALANCE SHEET**  
**90-135 WINDERMERE OAKS POA**  
**As of 08/31/2010**

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ACCT	DESCRIPTION	ENDING BALANCE	TOTAL
<b>ASSETS</b>			
<b>CASH</b>			
1000	Operating Cash - Merrill Lynch	32,582.93	
1005	Business Investors Deps - BB&T CD	54,092.66	
1010	Operating Reserve	4,000.00	
1021	Depository Cash BOA	11,057.30	
1040	NSF Reserve	2,000.00	
1050	Petty Cash	4,000.00	
	<b>TOTAL CASH</b>		<b>107,732.89</b>
<b>OTHER CURRENT ASSETS</b>			
1200	Future Project Reserves	21,576.91	
1250	Notes Receivable	22,356.64	
	<b>TOTAL OTHER CURRENT ASSETS</b>		<b>43,933.55</b>
	<b>TOTAL ASSETS</b>		<b>151,666.44</b>
<b>LIABILITIES</b>			
2000	Accounts Payable	4,350.96	
	<b>TOTAL LIABILITY</b>		<b>4,350.96</b>
<b>EQUITY</b>			
3000	Earnings Beginning of Period	43,507.29	
3030	Misc. Equity Adjustments	98,107.06	
3050	Owner Distributions	(41,237.50)	
	<b>NET INCOME</b>	<b>46,938.63</b>	
	<b>TOTAL EQUITY</b>		<b>147,315.48</b>
	<b>TTL LIABILITIES &amp; EQUITY</b>		<b>151,666.44</b>

Patti Flunker's closing remarks;

On June 4, 2010, Mr. Ken Wynne a WOPOA property owner and attorney from Wynne and Wynne law firm in Houston, filed a petition to intervene and a motion to compel into this mediation settlement with the WOPOA and the Specht's. Mr. Wynne is representing 16 WOPOA property owners they are; Bob and Diana Wynne, Mark "Oren" McDonald, Bill and Cindy Leech, Jim and Rita Marquess, Tom Hannafin, Richard and Janet Crow, John and Blair Lecky (has a gravel driveway), Kent and Carol Mason (has a gravel driveway) and Jerry and Pauline Kramer. This group represents less and 5% of our property owners.

On August 26th a hearing was held in the Burnet County 33rd District Court to hear the intervenors motions. It was our position at this hearing that the intervention should be struck because there was nothing left for the intervenors to intervene into because the underlying violation had been cured, the claims asserted by the Specht's and WOPOA settled and nonsuited with prejudice.

Based on Mr. Wynne's motion the "intervenors" are asserting that the resolution of this mediation may have an impact on all property values in Windermere Oaks, that the Specht's are still in violation of the restrictions, that the board is not upholding the restrictions and that the ACC did not have authority to approve these plans for a gravel driveway.

At the hearing the Honorable Judge Jones of the 33rd District Court of Burnet County approved the intervenors motion to intervene and their motion to compel (request from intervenors to turn over e-mails from WOPOA President Patti Flunker and Mr. Specht, ACC approval documents, attorney invoices and receipts from Mr. Specht for his gravel from 2006.) The judge agreed that the intervenors have a justiciable interest in the enforcement of the restrictive covenants but did not render a verdict on the intervenors right on the ability to

challenge □ WOPOA's Settlement Agreement with the Spech'ts and the validity of the ACC's approval of the gravel driveway at this proceeding.

I am confident that our attorneys will oversee this with due diligence always keeping the best interest of the community as a priority. Greg Cagle and Gary Zausmer will always consider what is in the best interest of all the homeowners and not a select few.

At 11:00AM Patti Flunker made a motion to adjourn the meeting the motion was seconded by Tom Doffing and past by the board.