

**Westwood Landowners' Association
Board of Directors Meeting
November 8, 2018 Monthly Meeting Minutes
Magnolia, TX 77354**

Monthly Meeting: The Board of Directors of the Westwood Landowners' Association (WWLOA) convened in a meeting open to all Members of WWLOA at the WWLOA office at 7:00pm.

Quorum Present: Pat Troy, President
Diana Maichetti, Treasurer
Mike Pidotella, Secretary

Call to Order: President called the meeting to order at 7:02pm

1. The President introduced the Board.
2. Consider and Approve consent items:
 - a. Minutes of October 11, 2018 Monthly Meeting

The Treasurer motioned to accept, the Secretary 2nd. The motioned passed unanimously. The minutes were approved.

3. Financial Report :
 - a. The Treasurer handed out a copy of the Financial Report, for the period ending October 31, 2018, to all members attending the meeting.
 - b. For the Month
 1. Total revenue was \$16,514.95
 2. Total expenses were \$20,634.59
 3. Profit / Loss was (\$4,119.64)
 - c. Year to Date
 1. Total revenue was \$348,358.20
 2. Total expenses were \$333,557.91
 3. Profit / Loss was \$14,800.30
 - d. Checking and Money Market balances total \$385,054.77 as of 10/31/2018
 - e. Accounts Receivable \$117,105.36 as of 10/31/2018
 1. The majority is maintenance fees, from this year and years past, owed to the WWLOA.
 2. The office has done well contacting landowners and collecting some of the past maintenance fees.
 - f. The Treasurer motioned to accept, the Secretary 2nd. The motioned passed unanimously. The Financial Report was approved.
4. Traffic Violations Report
 - a. The Secretary reported that the constables, while working under contract for Westwood, submit Daily Activity Reports (DAR). Included in the DAR's is the number of traffic stops resulting in a warning or citation.

- b. The Secretary announced that the Board will begin reporting this information at the Monthly Meetings.
 - a. Jan, 2018: 115
 - b. Feb, 2018: 62
 - c. Mar, 2018: 68
 - d. Apr, 2018: 68
 - e. May, 2018: 43
 - f. Jun, 2018: 60
 - g. Jul, 2018: 45
 - h. Aug, 2018: 47
 - i. Sep, 2018: 63
 - j. Total Jan – Sep, 2018: 571
 - c. The Treasurer asked if a lot of the speeders are cutting through, residents or an equal mix.
 - a. The constable replied that it varies with the time of the year. Typically it's about a 70/30 sometimes 60/40 people cutting through. In general more are residents in sections 1&2 and more are cutting through in sections 3&4.
5. Report from Constables regarding events affecting Westwood:
- a. Reminder Christmas season is coming up and people should be watchful when leaving shopping centers. When you get home make sure you close up your garage and lock your cars.
 - b. Pay attention to strangers being in the neighborhood. People are driving around looking for packages that were delivered. If you see something, call the Sheriff's Department.
 - c. Most of the time when things are stolen from cars it's because the car was left unlocked. They are going from driveway to driveway looking for easy targets. If they find a locked car, they typically do not break in, they move on to the next car.
 - d. After Christmas, be aware when you put out the empty boxes, especially boxes from electronics like big screen TV's, iPads and video games for example. Cut up and or fold up the boxes so you can't see what was in it. Otherwise you are telling everyone that drives by what you have in the house.
 - e. The Treasurer asked if it is ok to leave her purse in her car if she has tint on the windows. The constable said absolutely no, they still get stolen. The convenience of leaving it in your car is not worth the inconvenience of having it taken and losing your debit cards, credit cards, driver's license, etc.
 - f. A resident reminded everyone to not leave packages in view, in your car, while out shopping going from store to store.
6. Old Business:
- a. Update on new petition to stop City of Conroe from annexing communities in Montgomery County.
 - 1. The new petition is available at the office for those that would like to sign.
 - 2. The time period to collect signatures for the previous petition has expired.
 - 3. The Treasurer explained that the Senate Bill 6 from the 85th Texas State Legislature Special Session allows smaller counties to petition for an election to fall under a Tier 2 classification (counties with a population of less than 500,000 as of the last census). This will prevent involuntary annexation requiring the City of Conroe to hold an election to annex any communities in Montgomery County.

4. The President announced that once the 2020 census is completed, it is expected that the population of Montgomery County will exceed 500,000 and will automatically become a Tier 2 county.
- b. Announcements
1. The President announced that the Member-at –Large resigned so now the Board is looking to fill two positions.
 - I. The Secretary stated that we are at critical mass on the board. If we lose one more board member, we won't be able to vote on anything. If it gets worse than that, we may need to have the court consider putting the WWLOA into receivership.
 - II. The Treasurer stated that she was worried that because of family health concerns that she thought she may have needed to miss tonight's meeting preventing the Board from holding the meeting to vote on anything.
 2. The President announced we are looking for more ACC members. We need more volunteers.
7. New Business:
- a. Halloween Haunted House
- The Board gave an update on the Halloween Haunted House event at the office.
1. It was open on Halloween night and extended to the next evening due to the rain on Halloween.
 2. It was a successful event with over 100 attending over the two nights.
 3. A lot of the candy was donated and several people volunteered their time to help during the event.
 4. Hanna, the office assistant did a great job organizing and designing the entire event.
- b. Case against property in section 4
1. The WWLOA took a property owner in section 4 to court.
 - i. The issues with this property have been going on for nine years.
 - ii. Westwood was successful in the suit and the issue was resolved.
 - iii. The neighbors are very happy and appreciative of the actions by this board.
 - iv. The judgement does state that the property owner is enjoined to permanently maintain the property and septic system as well as have a septic maintenance contract for as long as they own the property. If these are not maintained in the future it will not only be a violation of the deed restrictions but now will be a violation of a court order and the WWLOA can take the property owner back to court.
 - v. Limitations in the way our deed restrictions are written make it extremely difficult to address these issues let alone get it to this point and have it be successful.
 - vi. This action was extremely expensive and did cost the property owner a lot of money.
 - vii. The President mentioned the process of starting to apply deed restriction violation fines recently outlined in the bylaws. However, we have now learned from our attorney that there needs to be something in the deed restrictions that authorizes the assessment of deed restrictions violation fines. Once again the old, limited and poorly written deed restrictions are preventing the board from doing the job it needs to do. The only recourse available under the current

deed restrictions is to file suit which is costly for the LOA because of attorney's fees.

- viii. The President reminded everyone that the Deed Restrictions Exploration Committee has recently been formed to address the needed improvements to our deed restrictions and they need your help and involvement. Until the deed restrictions are changed the Board is severely limited in what it can do without incurring expensive attorney's fees.

8. Open Forum

a. Paul Wethington, 5906 Mahogany Way

- 1. Paul Wethington presented a concern that some residents with a property that backs up to a commercial property on 2978 had shared with him.
 - i. The issue is that the fence in the back has deteriorated and needs to be replaced.
 - ii. The owners of the residential property talked with the owners of the commercial property. The owners of commercial property said it was not their responsibility.
 - iii. The owners of the residential property came to the office about it and were told that the original owners of the residential property put up the fence so it was the owners of the residential property's responsibility and there was nothing the office could do about it.
- 2. Paul stated that the ACC rules, on page 10, state that a commercial property has to have a 10 foot fence between their property and a residential property.
- 3. The President stated that the requirement for a commercial property to put up a 10 foot fence did not come into effect until after the plans for that commercial property was approved.
- 4. Paul Wethington stated that now it's time to apply the rule.
- 5. The President stated that since the commercial property is "grandfathered in" because the requirement came after their plans were approved, the WWLOA can't require the commercial property owner to put up a 10 foot fence. The residential property owner could put up a 10 foot fence since they back up to a commercial property.

b. Paul Wethington, 5906 Mahogany Way

- 1. Paul Wethington, 5906 Mahogany Way continued to speak on behalf the same residential lot owners.
 - i. He stated that they bought their property in 2007. Their maintenance fees were not frozen for being age 65 as stated in the bylaws.
 - ii. They do not have copies of the deed restrictions or bylaws and Paul stated that he never received copies when he bought his house and it is the subdivisions responsibility to get these documents to the people buying their property, but no one does it.
 - iii. He continued to state that he is a real estate agent and he knows what he is talking about and the WWLOA office receives information on people's phone numbers, ages, and other information from the title company when they buy their house. Therefore the office knows if they are 65 or older and the office should automatically freeze their maintenance fees.
 - iv. He stated it is the WWLOA office's responsibility to know people's ages and if they qualify to have their maintenance fees frozen. These people should get a refund.

2. The Secretary noted that the bylaws state that you need to notify the office and supply evidence of age 65 or older or disabled to have your maintenance fees frozen at the current rate. The Secretary stated that the WWLOA does not know when someone turns 65 or if they are disabled. They need to notify the office.
 3. The Treasurer noted that Paul's statement that the title company provides peoples ages to the WWLOA office was not correct. By law this information can't be provided.
 4. The residential landowners, Paul Wethington was been referring to, were attending the meeting and identified themselves. The Treasurer offered to show them their property's file after the meeting so they can see that the paperwork from the title company does not include age information.
 5. Paul Wethington stated that the WWLOA does not get this information out to people.
 6. The Secretary went into the office area and immediately returned with a log showing the preparation and delivery of Welcome Packs; new property owners receive, along with information showing the Welcome Packs include copies of the deed restrictions and bylaws as well as other helpful community information. He showed these to those attending the meeting and stated that this board is ensuring the office is delivering this information to new property owners. The Secretary stated that while he received one when he moved into Westwood back in 2016, he could not speak to what may have, or not have, been done in the past. But this board is ensuring these are delivered.
 7. The Treasurer stated that the bylaws and that section's deed restrictions go with every title transfer.
 8. The Treasurer also stated that, actually it is the owner's responsibility, per the state, to find out this information. This is posted on the county clerk's website.
9. The Secretary made a motion to adjourn, the Treasure 2nd. The motioned passed unanimously. The President adjourned the meeting at 7:43pm.