



Fall 2014

GreenBelt3 Association

A Negative Impact Averted!

Generally speaking, the governance duties of GB3 are tame and somewhat routine, with the objective of following the association's governing documents as closely as possible through volunteer efforts. Every now and then, though, an event occurs that can negatively impact your quiet residence on Talbrock Circle. Such an event happened earlier this year in April when a property (3005 Talbrock Circle) was "mistakenly" sold to a small investment group and immediately rented. Unquestionably, this action was a direct violation of GB3's leasing restriction, which requires that all properties on Talbrock Circle be owner-occupied, not rented out, with the exception of a handful of rental properties that were grandfathered when the statute was approved.

How this mistake occurred is probably not as important at this point as preventing such mistakes in the future. Still, the whole event raised questions. For instance, GB3 contacted the realtor regarding the leasing restriction but never received a reply or acknowledgement from him, written or otherwise. Next, any reputable title company should have researched GB3's recorded documents and been aware of the leasing restriction. Finally, the investors themselves should have initially done their homework and looked elsewhere for a rental property. Undoubtedly, more than one party was at fault in this matter.

After GB3 contacted the new buyers, informing them of their leasing violation and the fact that their tenants would have to vacate, several months of legal maneuvering ensued. However, there was never any doubt that this issue would be resolved and that GB3 would prevail, but the process was more time-consuming than anticipated. Moreover,

the new owners wanted to consider all options available to them without incurring significant legal expenses or relocation costs for their tenants. Their only viable option was to have the tenants assume a land contract and hold title for the property. However this approach was later deemed unfeasible, which eventually led to notifying the tenants to vacate by August 31. The basic summary ends here, but please continue reading for the important "behind-the-scenes" details.

Although most tenants on Talbrock Circle usually abide by the rules and are not disruptive, this was not the case with the temporary tenants of 3005 Talbrock Circle. Shortly after they moved in, more occupants joined them, with as many as a dozen people living in the house at various times. In addition to the over occupancy disruptions (day and night) to Buildings 3, 4, and 5, the tenants were occupying too many spaces in the common parking areas — and causing pavement damage due to oversized vehicle weights — and parking on their neighbors' property without permission.

To compound this adverse situation, the temporary tenants had close ties with the tenants at 2971 Talbrock Circle, one of GB3's legitimate rental properties. However, they, too, were abusing their parking privileges and were over occupied, with an additional six occupants. There was constant back-and-forth traffic day and night between these two houses, raising more voiced concerns from other property owners. Once the leasing violation was resolved, though, and the disruptive tenants were forced to vacate, calmness returned. (*As a side note, the property owner evicted the tenants at 2971 Talbrock Circle in October for nonpayment of rent.*)

Info Center

GB3 Leasing Restriction

If you read the entire article on the front page (to the left), you'll understand the importance of GB3's leasing restriction, approved in 2009. Although the association does not regard renters overall as disruptive by nature, the recent events addressed by GB3 emphasize how vital the leasing restriction is. It establishes a balance in preserving a community's preferred lifestyle, while safeguarding property values. It is understandable that some property owners or landlords may not embrace this particular GB3 restriction, but in this most recent chain of events, very few should disagree with the association's actions.

Call for Nominations

GB3 is issuing its annual call for nominations for the GB3 Board of Directors. Directors serve one-year terms and can be reelected for successive terms. Information regarding directors and their duties can be found in your *Code of Regulations* (Article II: Directors), which can be viewed and/or downloaded at www.gb3hoa.org.

Nominations are to be submitted to GB3 Secretary Karen Weldon (2977 Talbrock Circle) no later than November 25. An official ballot will then be prepared and sent with the annual meeting announcement to all GB3 members (property owners) eligible to vote. Voting instructions, including the deadline date and location for returning your ballots, will be included with that mailing.

A Review of GB3's Current Financial Status

Published below is GB3's financial summary to date. There are still some incoming maintenance invoices to pay and/or projects to address this calendar year, including the removal of a dead ash tree from one of the smaller common areas that poses a threat of damage to private property. Also, the financial summary does not account for several property owners that have not paid their most recent homeowner association assessments, which are now subject to late fees.

Aside from the anticipated income and expenses noted above, GB3's current financial status is stable but not robust. The proposed budget for 2015 is expected to increase the association's reserve fund from \$2,000 to \$2,500, but that figure will be discussed in more detail at GB3's upcoming annual meeting, tentatively scheduled for mid-December. At this time, there is no expected increase in assessments for the first half of

2015, but a small increase cannot be ruled out for the second half of next year to help offset rising maintenance and repair costs and sales tax hikes from this past year.

One notable disappointment has been a lack of cooperation of some property owners to pay their assessments on time and/or to maintain their properties at acceptable standards. For instance, GB3 has had to file successive collection claims in Franklin County Municipal Court against the same property owner for the last several years. Although the court always rules in the association's favor, the process requires upfront legal costs (later reimbursed via the court award) and is personally time-consuming for association officers.

It can't be overstated too often that the key to keeping assessments at an affordable level for everyone is for ALL property owners to cooperate in paying their assessments on schedule.

FINANCIAL SUMMARY

January 1, 2014 to November 5, 2014

ITEM	INCOME	EXPENSE
BEGINNING BALANCE	\$ 2,773.69	
Assessments, reimbursements, late fees & penalties	7,717.43	
Reserve funds (carryover from 2013)	2,000.00	
Legal services		\$ 1,270.24
Liability insurance		612.00
Maintenance of common areas:		
• Grass mowing/lawn care, fertilizing & seeding		1,947.40
• Tree trimming/stump removal		00.00
• Common parking area repairs (labor & materials)		1,381.52
• Common parking area resealing (labor & materials)		922.63
• Mailbox structure repairs/mailbox replacement		128.38
• Debris cleanup, pavement repairs & other		276.35
Snow removal on Talbrock Circle (optional)		133.75
Publishing & printing		50.00
Postage & office supplies		68.40
Miscellaneous & administrative services		224.23
TOTALS	\$12,491.12	\$ 7,014.90
ACCOUNT BALANCE	\$ 5,476.22	