



GreenBelt 3 Association

Association To Meet January 30; Elections at Top of Agenda

*By Steven Storts
Acting GreenBelt 3 Treasurer*

I hope everyone's holiday season was bountiful, and further, I wish you all good health and success this year, which also happens to be the 20th anniversary year for Talbrock Circle.

As some of you are aware, Cathy Hackett and her husband, Michael (who resided at 2983 Talbrock Circle), had to rather quickly put their house on the market last fall and move, primarily due to a family crisis. As a result, the GreenBelt 3 Association was left with a major void in its governance structure because Cathy served as both association president and treasurer. At the same time, another association trustee had to resign, leaving the only one remaining trustee, Karen Weldon, a relatively new homeowner. The timing of all this was both unexpected and unfortunate; there wasn't enough active participation to schedule and plan the usual fall annual meeting before the holidays. Please accept our apologies.

Because I'm an original homeowner at 2985 Talbrock Circle, in addition to having served for more than 10 years as an association president, trustee, and treasurer, Cathy appointed me as acting treasurer to help establish a new governance structure for the association. It's a role I reluctantly accepted, but I've been there before.

A general (annual) meeting of all homeowners has now been scheduled

from 6:00 to 8:00 p.m., Tuesday, January 30, at the Riverside Elementary School, 3260 Riverside Green. Many of you are familiar with this location. Our reserved space is toward the front of the building (to the left as you enter) in the lunchroom area. The leisurely atmosphere affords plenty of open space, tables and chairs, convenient restrooms, and the opportunity to come and go as necessary. I will help conduct the meeting, along with Karen, who will also act as recording secretary.

I invite and encourage all of you to attend, even if you can only do so for a short or limited period of time. We haven't held an annual meeting since the fall of 1999, so we're a little overdue. More importantly, there are several new homeowners on Talbrock Circle, some of whom have already been nominated as candidates to fill trustee and other officer vacancies within the association. I would like to see them supported by as many of us as possible for their enthusiasm.

All nominations received to date are displayed in the shaded area to the right of this article. Other nominations are welcome and should be submitted to 2977 Talbrock Circle (Karen Weldon). The association vacancies that need to be filled include two trustee positions (three-year and two-year posts), a secretary, and a treasurer. The trustees are elected through a confidential ballot process (including write-in candidates

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GreenBelt 3 Nominations

The following have been nominated as candidates to fill trustee positions in the GreenBelt 3 Association. These and other offices will be voted on during the annual meeting January 30, 2001 (see story on this page). Ballots will be prepared a few days prior to the meeting and then distributed to allow those who cannot attend to vote by proxy.

As a reminder about elections, each property unit has *one total vote only*; multiple owners (married couples), for instance, have to jointly decide on their one vote.

Robert Stewart

2941 Talbrock Circle

Larissa (Laura) Stewart

2941 Talbrock Circle

Ryan Treptow

2963 Talbrock Circle

Myrl (Mike) Croft

2973 Talbrock Circle

Neil Knobloch

2995 Talbrock Circle

Additional nominations may be submitted in advance to Karen Weldon (2977 Talbrock Circle) or presented from the floor by members attending the annual meeting.

GreenBelt 3 Association Manages Through the Passage of Time

Now and then, a Talbrock Circle resident queries the GreenBelt 3 Association, asking what it is, why it exists, and what its power or authority is. In practice, the association is you, the owner(s) of every dwelling property unit on Talbrock Circle; it is the governing body that strives to maintain the quality appearance of this development, including common areas, so that property owners may one day realize a reasonable profit on their investment, if and when they sell.

The association's business is routinely conducted by three trustees—fellow property owners elected by you—and other elected officers, some of whom are also trustees. Multiple owners (the names listed on the mortgage contract) of a residential unit are considered as just “one” when it comes to membership and voting privileges; married couples, for instance, have only one vote together.

As established by the *Articles of Incorporation of GreenBelt 3 Asso-*

ciation, the association has “the power to own, accept, acquire, mortgage, and dispose of real estate and personal property, and to obtain, invest or disburse, and retain funds in advancing the purposes . . . [of the association] . . .” Additionally, the association has “the power to do any lawful acts or things reasonably necessary or desirable for carrying out the association's purposes, and for protecting the lawful rights and

interests of its members in connection therewith.”

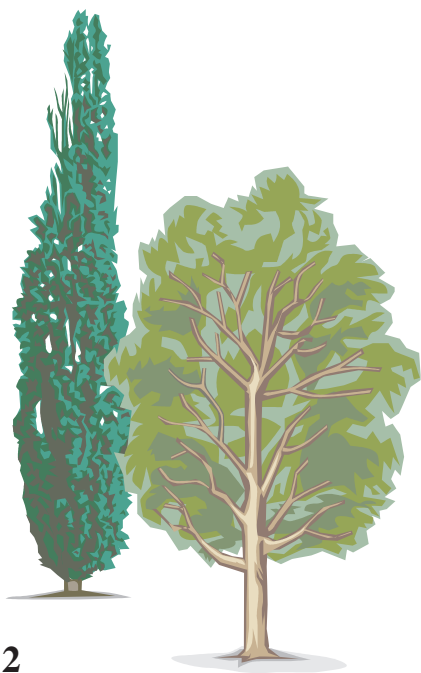
More specifically, the purpose of the GreenBelt 3 Association is to acquire, own, maintain, and manage the real property and open space (common areas) surrounding lots numbered 337 through 364 (Talbrock Circle homes) in Riverside Green South, Section 5. The association is also authorized to purchase, con-
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Thanks for Your Attentiveness! **Parking Space Violations Still Linger**

The GreenBelt 3 Association thanks all of you who have been diligent in removing your trash containers after collection, keeping on top of any bulk trash collection, and picking up debris around your buildings. There remains, however, some complaints regarding owners' friends, guests, business associates, etc., parking in their neighbors' private driveway spaces. The building in question is on the west side of Talbrock Circle (2995 thru 3009).

If you are a property owner in this eight-unit building and have friends, guests, relatives, business associates, etc., that regularly (or occasionally) visit you, please inform them *prior* to arriving that they must park in the overflow parking lots or on nearby Royalwood, if your private spaces are full. Some of you might not be aware, but you are allowed to park in *any* of the overflow parking lots, not just the one in front of your building. Better yet, if you're in doubt about available parking space, park your own vehicles in the overflow spaces and free up the space in front of your house. If you're planning a special event, please inform your neighbors in advance that there could be a temporary shortage of available parking space. We've all been in this position before, and most of understand these minor inconveniences.

If your private parking space is continually being encroached upon without just cause, first try discussing the matter with your neighbor(s), if you know who is in violation. If that doesn't work or you don't get any cooperation, then document the violations (date, time, make/year of vehicle, license number, etc.). This information can then be provided to the association's trustees and other proper authorities for action, such as law enforcement agencies and towing companies. If these violations are being caused by any of the homeowners on Royalwood, they can be contacted, too.



... Passage of Time

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struct, own, maintain, and manage any and all facilities and improvements (including personal property) presently or in the future constructed or located within this development—all for the benefit of the owners.

Please keep in mind that the original incorporation papers were filed more than 20 years ago; they're slightly dated. As members of the association, you have already acquired and now own your real property, so the true, remaining purpose of the association is to maintain and manage the existing property and common areas. Under these auspices, the GreenBelt 3 Association is permitted to:

- Establish and enforce reasonable rules and regulations for the use of the open space (common areas);
- Establish an orderly and efficient system for the payment of, or reimbursement for, all expenses of the association, and of billing to pay such expenses;
- Establish and operate arbitration procedures for the settlement of disputes among lot owners;
- Enforce restrictions imposed upon the lots for the benefit of the lots and/or the association;
- Promulgate and enforce such rules and regulations, and perform such acts, as are deemed necessary to achieve the above-described objectives; and
- Carry on any other activities that a nonprofit corporation may carry on under Ohio's nonprofit corporation laws.

Today, the corporate founders, original trustees, developers, and builders of this development are nowhere to be found. The GreenBelt 3 Association, however, does continue to exist because it has never known otherwise. In fact, the incorporation articles state that "the period of existence of the association shall be perpetual unless so terminated

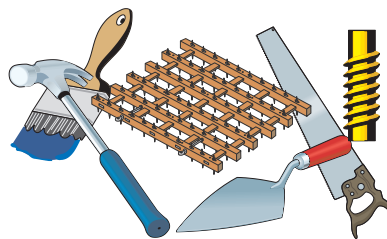
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IMPORTANT REMINDERS

■ Assessments will be forthcoming sometime in February. Please pay as promptly as you can. Delinquent assessments should be made current as soon as possible. Homeowners that are more than a year in delinquency are subject to having liens placed on their property. If there's a valid reason for the delinquency, please contact the association's acting treasurer, Steven Storts (2985 Talbrock Circle), and try to work out a gradual payment plan to get current.



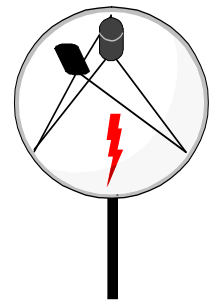
■ If you plan to do any exterior changes to your home (window boxes, sheds, fences, painting, etc.), be sure to check with the trustees in advance of your planned project (before expending any time, money or other resources) to secure their approval for compliance with the GreenBelt 3 Association's *Declaration of Covenants, Easements, Restrictions and Assessment Liens*. The trustees have the final word on these matters. Traditionally, very few homeowner projects have been rejected; of those that were, most were modified to be in compliance.



■ Included with this newsletter is a copy of the "GreenBelt 3 Association Rules Regarding Outside Structures." These are simple, general guidelines on what is permitted on the outside of your property unit. They do not replace anything

contained in the association's *Declaration of Covenants, Easements, Restrictions and Assessment Liens* but are an addendum to that complex document, complementing some of the more general provisions. Additionally, this one-page guideline serves as a quick-hitting reference for your own use or others' when questioned.

■ Although not specifically prohibited by name in the association's *Declaration of Covenants, Easements, Restrictions and Assessment Liens*, traditionally, satellite dishes have not been permitted on Talbrock Circle. They fall under the "no exterior television and radio antennas" restriction. Of course, this provision was written at a time when satellite dishes were huge, unattractive structures. Technology has reduced the size and complexity of this apparatus to the point that some are no larger than a snow shovel.



Outside of the obvious (no satellite dishes in the front yard or on the roof), homeowners interested in installing satellite dishes on their property should consider presenting a proposal to the trustees, who are given the authority to approve such structures. But even if you receive the approval of the trustees, you must still get consent from your neighbors (other lot owners) in your building unit. This may or may not be a difficult proposition, depending upon the nature of the satellite installation (size, attractiveness, obscurity, etc.)

... GreenBelt 3 Manages

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in accordance with the terms of these articles.” Although loosely knit and oftentimes in transition (with no governance in effect, except for a treasurer), the association has always sought to follow the above objectives and duties.

Moreover, the GreenBelt 3 Association is officially recognized as a viable entity by the IRS, the U.S. Department of Housing and Urban Development, real estate companies, title firms and financial lending institutions. On many occasions, these organizations and/or agencies have worked with the association and its individual trustees, officers, and members to conduct business that satisfies state and federal laws, lending practices, and homeowner requests. Those who have volunteered in the past, present, and will serve in the future are to be commended for their unselfish participation on the behalf of every homeowner on Talbrock Circle, particularly for keeping assessment costs low and affordable while trying to satisfy the homeowners.

Sadly, because the association is voluntarily operated and has no formally established headquarters or paid staff, it cannot possibly enforce every statute of the incorporation articles nor the accompanying *GreenBelt 3 Association Code of Regulations and Declaration of Covenants, Easements, Restrictions and Assessment Liens*. (These are all documents that were attached to the mortgage contract that you signed, which are binding, thus allowing you to become a homeowner.) The association’s trustees and officers, past and present, have performed to the best of their time and ability to follow and interpret the original intent of these documents. Remember, they’re un-

paid volunteers; they have careers, families, and other obligations, too.

Now comes the real truth. *Whether the association can legally enforce or satisfy every statute is secondary to the argument. The bottom line is that you are legally bound by your own mortgage contract, as a condition of your loan, to adhere to the above-mentioned documents, regardless of whether the GreenBelt 3 Association meets your individual satisfaction. To do otherwise places you in breach of the contract that you signed.* In addition to where I live, I have transacted five other real estate investments, including one commercially zoned. I can definitely say that incorporation articles, assessment declarations, and property restrictions in some form have accompanied all of these transactions. It almost seems to be routine for many real estate investments today.

I urge all homeowners to please locate these association documents among their official records, read and digest them, and decide whether your individual property is in compliance. If you have any questions, please direct them to the association trustees or any available officer. If you can’t locate these documents or believe they’re not in your possession, we’ll try to replace them for you.

In closing, I would like to note that I am not an advocate for strict governance, although I recognize that an organized structure, loosely or otherwise, is necessary to conduct certain business. In general, I believe in personal responsibility and commitment. I would like to think that on Talbrock Circle, some neighborly courtesy, common sense, cooperation, and a little active participation are more than enough to maintain our quality appearance.

Steven J. Storts



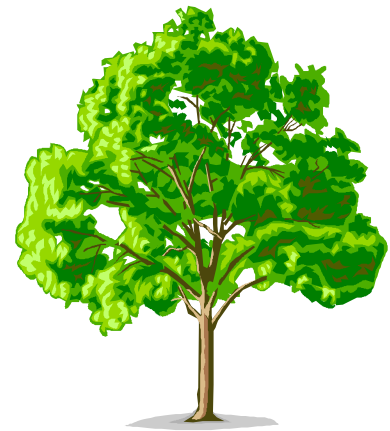
... Trustee Elections

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and floor nominations); the association president and vice president are selected from among the three trustees. Following that process, a secretary and treasurer will be elected through a more informal process, though still confidential. Those who are not selected this time around will surely be renominated in the future and/or appointed to serve on a designated committee or fill an office vacancy when necessary.

In addition to the association elections, other old and new business will be discussed, including any issue that a member (homeowner) may want to address. Because our annual meeting is a few months late, the new trustees will more than likely hold another one later this year. In fact, at their discretion, the trustees can call special meetings or informal gatherings to discuss or act upon any issue of particular interest.

Although we’re getting off to a slow start, I’m excited about the interest shown by several of Talbrock Circle’s newer residents. Let’s pledge our support to help them in any way possible.



GreenBelt 3 Association

Rules Regarding Outside Structures

The following guidelines, drafted by the Architectural Landscape and Maintenance Committee of GreenBelt 3 Association, were officially amended and approved by the association and its trustees, August 26, 1981.

SHEDS

- No sheds beyond privacy fences.
- Sheds are to be no higher than 1 foot above the privacy fence at any one point.
- Sheds can be made of wood or metal; color must be close to natural cedar color or that of the rear exterior metal siding.
- Sheds of any type are not to be visible from the front street.
- Shed structures are subject to the approval of the trustees.

FENCES

- Height of fence panels of each building unit must be the same.
- All fences must be made of wood, in the same style as the privacy fence with a color close to that of the cedar privacy fence.
- Fence structures are subject to the approval of the trustees.

PATIOS

- Patios are to extend no further than first two panels of privacy fence, about 14 feet.
- Materials for patio can be just about anything: brick, wood, stone, cement, etc.
- Patio structures are subject to approval of the trustees.

PATIO DECKS

- All decks must be made of wood.
- Height of deck flooring can be no greater than the threshold of the back door(s).
- Color must be a natural wood color, but not necessarily that of the privacy fence.
- Patio deck structures are subject to the approval of the trustees.

PLAY EQUIPMENT

- Most children's play equipment is appropriate in the backyard; because swingsets generally come in only one height (which is higher than privacy fence), they are acceptable if maintained properly.
- Permanent play equipment structures such as swingsets are subject to approval of the trustees.

FRONT YARDS, AWNINGS

- No fences of any sort can be constructed or put up in the fronts of units or buildings; this includes continuous landscaping that might resemble a fence along lot lines or sidewalks; no more than two major trees in the front.
- No awnings in the fronts of units or buildings; awnings in the back should match exterior rear siding or trim.
- Awnings are subject to the approval of the trustees.