

Seaview Terrace II Addition Homeowners Association

MINUTES OF REGULAR BOARD MEETING

May 18, 2021

6:30 PM ZOOM

CALL TO ORDER

Board Chair, Nanci Moultrie, called the meeting to order at 6:35 PM.

ROLL CALL

Present: Nanci Moultrie, Phil Hawkins, Shannon Marshall, Sherry Gates,

Kelly Creso, Lori Houston-Gaidos, Brenda Vaner Pol

Absent: Jordan McCall, Chad Laske

SECRETARY REPORT

The Minutes of the Oct.14, 2020 Board Meeting were approved as distributed.

TREASURER REPORT

Shannon presented the Balances as of May 18, 2021 for Board information.

Shannon presented the Annual Budget Proposal for 2021-2022 for Board Approval. Discussion followed.

Motion by Phil, seconded by Kelly to approve the proposed Annual Budget for 6/1/2021-May 31, 2022.

MOTION PASSED

COVENANT COMMITTEE

Covenant Committee Report to Board

Filed in the Covenant Notebook

Since our last Board meeting on Oct. 14, 2020:

1. The Board's attorney contacted the property owner (Broad View Ave) regarding his covenant violation. He trimmed his hedge to a height that was accepted by his neighbor.

He let the trimmings fall on the neighbor's side of the fence. He was given permission by the neighbor to come on the property and pick up the trimmings. He did not pick up the trimmings on his neighbor's side of the fence. The neighbor was left to clean up those trimmings.

**The legal position :** " A property owner may legally trim back any portion of a tree or shrub that grows over the property line and into the airspace on the property owner's property. The trimming must stop at the property line, unless the owner of the tree or shrub allows otherwise ."

2. The owner of the house on Sealawn Ave NE passed away, leaving many trees in violation of the covenants. We were contacted by Ticor Title company. The HOA informed the escrow officers of the Covenant violations on the property. However, because there was nothing RECORDED regarding the Covenant violations, the home could be sold without bringing the property into compliance . The sell closed at the end of the April.

**The legal position:** “Since the HOA is not authorized to file a lien related to covenant violations—and you don’t have assessments and related lien authority—the only way you would have a lien that would have been paid when a home is sold is if you have a judgment lien, as in the case with the Liu property. In other words, you would need to file a lawsuit, prevail, and get an award of attorney fees et al reduced to a judgement.”

**Example:** The HOA received a refund of attorney fees for Recording a Stipulated Judgement against the Liu property. Liu trimmed the trees, but said he didn’t have the money to pay the HOA. When that property sold, the HOA received, via the sell, the amount of \$ 3,289.03 for fees incurred by the HOA.

### UNFINISHED BUSINESS

Report by Chair, Nanci Moultrie

At our last Board Meeting (Oct. 14, 2020), Board members requested a legal response to questions relating to the NAME of our HOA; as it appears differently on each of our governing documents.

#### **Legal response:**

“Yes, you may amend your BYLAWS to reflect the official name of the Association, and I recommend you do so. Amending the Covenants is not feasible in your situation, as you would need agreement from 100% of the lot owners given the lack of an amendment provision allowing a lower percentage.”

**Seaview Terrace II Addition Homeowners Association** is our official name because that is the name under which the HOA was registered with the Secretary of State and Articles of Incorporation filed—

<https://ccfs.sos.wa.gov/#/BusinessSearch/Businessinformation>

\*\*The concern regarding correction of the name on our BYLAWS: will an HOA member receiving a letter regarding a violation (or any letter from the Association), titled as on the ARTICLES OF INCORPORATION, be able to say it is not valid because the document they receive when purchasing their property

is entitled a different NAME, i.e., DECLARATION OF RESTRICTIVE COVENANTS OF SEA VIEW TERRACE SECOND ADDITION TO PIERCE COUNTY, WASHINGTON Revised June 6, 1983.

**Legal response:** "No, such an argument would be legally absurd on its face."

**NEW BUSINESS**

Due to the restrictions of COVID-19 social gatherings, the Board needs to find a suitable location for the Annual Membership Meeting.

Motion by Nanci, seconded by Kelly for the Board to look for a venue for June meeting where everyone will be comfortable or to locate a venue for Sept. as an option to wait until Covid concerns do not limit location choice.

MOTION PASSED.

Motion by Phil, seconded by Kelly to adjourn.

MOTION PASSED

Chair, Nanci Moultrie, adjourned the meeting at 7:41 PM

Secretary, Sherry Gates