

September 21, 2018

Welbourne Manor Residents,

As you may already be aware, the neighborhood has experienced a few legal issues in the past few months. The HOA board has desired to update the neighborhood, but we have refrained at the advice of the neighborhood attorney. The last thing we want to do is put each of our residents at additional financial and legal risk by going against our attorneys' recommendations.

One instance involves a resident who brought a case against the Welbourne Manor HOA. This case is still in the court system so we cannot comment further until it is completely closed. Please know that your HOA board is taking every step possible to minimize the cost and liability to our overall residents.

Another case involves a personal matter between two residents. One of the two residents involved happens to be a board member who had already planned on stepping down from his position prior to the issue. Three board members were subpoenaed to court to testify in this personal matter. This was not because it is an HOA or board issue but rather because those Board members had first-hand knowledge of the parties involved. This board member has tenured his resignation himself to ensure the board can work for the best of our neighborhood and his legal expenses are his responsibility. This case is not an HOA legal case.

The HOA board is aware of multiple posts on social media which consist primarily of two residents who are unhappy with the board members. Social media is not an appropriate means of official communication with owners and we have been advised by the neighborhood attorney to refrain from posting or commenting on board concerns so we feel it is our duty to take this legal advice. With that said, the Board would like to clear up some claims made in recent social media posts. Below are a series of facts, to the best of our knowledge, which we hope will shed some light on recent matters:

- Claim: A resident stated they were locked out of the pool after allowing a non-resident guest to use their card and visit the pool without their presence.
  - Fact: The board has only locked residents out of the pool for non-payment of assessments.
- Claim: The board is not following their own rules, including a shed on a board member's property.
  - Fact: The board members have applied the same standards toward themselves and each other as any other resident. One member does have a covered log rack, which was approved by the modification subcommittee run by non-board residents.
- Claim: The rules do not allow a nanny to bring children of residents to the pool area but they do allow non-resident guests to use the pool without a resident.
  - Fact: The rule states:

*The pool is for the use of Welbourne Manor residents and their guests only. All guests must be accompanied by a resident. Minors*

*(under 18) shall be limited to a maximum of one guest by their resident parent. Please respect your neighbors' rights and exercise good judgment regarding the frequency and number of guests.*

Based on this rule, nannies are allowed to bring the minor children they are caring for. Non-resident guests, regardless of relationship to the resident, must be accompanied by a resident. This rule has been in place for quite some time. Reviewing a cached "snapshot" of the pool rules webpage proves the rule was in place prior to 2013.

- Claim: A camera has been installed in the pool area which is pointed directly toward a neighbor's property.
  - Fact: No cameras have been installed on Association common element at this time.
- Claim: The neighborhood bylaws have not been made available to the community.
  - Fact: All HOA documents have been on the neighborhood website ([www.welbournemanor.org](http://www.welbournemanor.org)) for a long time. No "hidden" documents exist anywhere.
- Claim: The HOA is not willing to meet with residents and does not value residents who challenge rules and decisions.
  - Fact: The HOA is happy to meet with any neighbor. We met with many who had additional questions about the pool construction and costs. We have heard appeals from neighbors on denied modification requests and voted in their favor. Any resident is welcome to request a meeting or email any board member.
- Claim: Our CC&R's are nearly 20 years old and need updating.
  - Fact: The HOA board agrees. This was a discussion item at the November, 2017 annual neighborhood meeting where the board discussed the need to review and update the governing documents as appropriate. While the pool project and other neighborhood concerns delayed this initiative longer than we had hoped, the board has reviewed the documents sentence by sentence and suggested changes have been sent to the neighborhood attorney for review. The changes are fairly minor and less restrictive than previous versions. Some items include allowing non-brass numbers on the mailboxes, updated paint colors that can be easily found, and additional roof colors.

Please know your HOA board is looking out for the neighborhoods' best interest. This sometimes means uncomfortable conversations with personal friends to address violations, but we carry out the duties that we were voted for. We seek to always be transparent while minimizing the neighborhood's legal risk. If you have any questions or concerns, please email the board members and we will be happy to work with you.

Thank You,

Russell DeJarnatt – President