

Twin Harbors Property Owners Association, Inc.
Board of Directors Meeting
November 10, 2012

Directors Present:

Jim Wyckoff, Dyana Babik, Rosemary Covalt, Michael Farr, Joseph Polizzi, Jim Wilder, and B. Milton (Chip) Choate

Directors Absent:

Jack Cumpton

Guests Present:

Laurie Schultz, Tom Janukowski and fiancée, Melissa, and Pat Casey

Jim Wyckoff, President, called the meeting to order at 9:05 AM. Jim Wilder made a motion to approve the minutes for the October 13, 2012 board meeting, the motion was seconded and was approved.

Jim Wilder made a motion to approve the minutes of the Special board meeting held on October 20, 2012. Special meeting was held to elect officers for the year ending October 2013. The motion was seconded and approved.

Treasurers Report:

Joseph Polizzi reported the following bank balances as of end of October, 2012.

Account	Balance
THPOA - Regular Checking	\$108,414.57
THPOA - Special Assessment Checking	35,624.31
TOTAL	\$144,038.88

A listing of checks paid in October 2012 was reviewed and specific items were discussed.

Chip Choate made a motion to approve the Treasurer's Report, the motion was seconded and approved.

Open Forum:

Tom Janukowski attended Open Forum to discuss a letter he received from the board in reference to a deed restriction violation on lots he owns in Twin Harbors, more specifically Section 5, Block 1, Reserves Two (2) and Three (3). Mr. Janukowski indicated that soon after he purchased these Reserves from, Prominent Leasing, LTD., (Glenn Johnson), a legal problem arose. Prior to purchasing these reserves, Mr. Janukowski was assured, in writing, by Glenn Johnson and a then board member, that these reserves were not subject to any deed restrictions. The executed purchase contract stated specifically that Reserves Two (2) and Three (3) were not part of a property owners association, there were no deed restrictions, and there were no dues of any kind related to these reserves. Polk County Title (unwritten by Chicago Title) opened title and performed a search of Polk County Deed Records and reported in the Title Opinion that the reserves were not part of a property owners association and there were no deed restrictions. During the course of their investigation, Polk County Title received written assurance from the then board member that these reserves were not part of the association and were not subject to deed restrictions. March of 2009, these lots were purchased by Mr. Janukowski.

Approximately three (3) months passed, Mr. Janukowski received an email from the board member in question saying that the reserves were indeed part of the Twin Harbors Property Owners Association, were subject to deed restrictions, and were subject to POA dues.

Mr. Janukowski proceeded to sue Polk County Title and Chicago Title for negligence. Chicago Title agreed that the title policy furnished Mr. Janukowski contained material errors and a monetary settlement was awarded Mr. Janukowski.

Mr. Janukowski stated that he was confused as to how the property went from being unrestricted to being restricted and asked for an explanation.

The following timeline was provided:

November 11, 1976 - Reserves Two (2) and Three (3) recorded in Polk County Deed Records stating the owners of these reserves were not subject to restrictions applicable to the other lots and tracts situated and located within Section Five (5) of Twin Harbors.

August 15, 1979 - Deed Restrictions for Reserves Two (2) and Three (3) of Section Five (5) are filed of record with Polk County, Volume 368, Pages 351 through 362. These reserves are now subject to the same deed restrictions that are applicable to lot owners in Sections Two (2) thru Five (5), with one exception. The exception being that the owner of each reserve shall be liable for an initial Maintenance Fee of \$240.00 annually

(subject to being raised to \$480.00 annually) as opposed to the initial \$60.00 annually (subject to being raised to \$120.00 annually) for all other lots.

November 25, 1979 - Reserves Two (2) and Three (3) of Section Five (5) are purchased. Every year the owner paid all Maintenance Fees and any Special Assessment Fees approved at an annual meeting.

January 31, 2006 - Reserves Two (2) and Three (3) of Section Five (5) are purchased by Prominent Leasing, LTD., (Glenn Johnson). Prominent Leasing, LTD., paid Maintenance Fees for billings made September 1, 2006 and 2007 plus Special Assessment Fees for the billing made January 1, 2007 for Reserves Two (2) and Three (3) of Section Five (5) of Twin Harbors.

October 13, 2007 - THPOA board approved new Deed Restrictions for Reserves Two (2) and Three (3) of Section Five (5) of Twin Harbors.

November 5, 2007 - New Deed Restrictions for Reserves Two (2) and Three (3) of Section Five (5) of Twin Harbors are filed of record in Polk County Deed Records, Volume 1612, pages 758 to 766. Maintenance Fees and Special Assessment Fees are waived until property is sold by the current owner.

Home plans are now being drawn. A surveyor has examined the tract for home placement. Plans should be finalized and presented to the board by February or March of 2013.

Chip Choate will provide all filing information to Mr. Janukowski after the board meeting.

Dyana Babik made a motion to obtain an attorney's opinion regarding the granting of a short term waiver pending the receipt of plans and start of new home construction. Chip Choate will contact the association attorney for an opinion and report to the next board meeting. The motion was seconded and passed.

Correspondence:

No correspondence was received in the previous month.

Complaints:

Written complaints have been received on four (4) undeveloped lots on Lakefront Drive. Lot owners have not mowed or maintained the lots for an extended period of time. Rosemary Covalt as compliance officer will send letters requesting lot clean up.

Letters have been mailed to two (2) property owner who each have camper type homes parked in front of their homes.

Closed Session:

No issues were discussed in Closed Session.

All other Business Issues:

Jim Wyckoff initiated a discussion of assignment of specific responsibilities to board members and made the following recommendations. Jim Wyckoff will manage Twin Harbors roads and Field Maintenance Activities; Dyana Babik will be responsible for management of THPOA office; Rosemary Covalt will be responsible for management of THPOA property owner complaints; Michael Farr will be responsible for management of physical assets, exclusive of roads; and Jim Wilder will be responsible for management of THPOA green spaces. Chip Choate made a motion to approve the recommendation made by Jim Wyckoff, the motion was seconded and approved.

Jim Wyckoff initiated a discussion of working with Precinct 2 Commissioner Ronnie Vincent regarding Twin Harbors roads. Jim Wyckoff and selected board members will meet with Ronnie Vincent before the next meeting to start the planning process.

Dyana Babik initiated a discussion of Complaints and the creation of a Complaint Log. Dyana Babik and Rosemary Covalt were asked to prepare Policy and Procedures for handling complaints and report at the December board meeting.

Chip Choate initiated a discussion of a resolution passed at the annual meeting which would give the Architectural Committee additional authority to approve all structures built in Twin Harbors. Chip was requested to obtain the opinion of the association attorney regarding the ability of the THPOA to implement the resolution.

Dyana Babik initiated a discussion of the THPOA sponsoring a clean up day utilizing a large trash collection container. Dyana was requested to obtain quotes for the cost of providing a trash collection container and report to the December board meeting.

Dyana Babik initiated a discussion of the need for a policy regarding fences within Twin Harbors. Dyana and Chip Choate were requested to develop Policy and Procedures for Twin Harbors fences and report to the December board meeting.

Dyana Babik initiated a discussion of the Twin Harbors office. Dyana, in her capacity as the board member responsible for management of the Twin Harbors office will author goals, objectives, and policies and procedures for administration of Twin Harbors office. Dyana will report to the board as Policies and Procedures are implemented.

Chip Choate reported to the board on the continuing issue of vehicles and buses exiting Nanny's Day Care and using the entrance lane on Twin Harbors to exit to FM 3186. Jim Wyckoff and Chip met with Danny Christian of CCC Blacktopping regarding the closing of the area between the drain and the esplanade on Twin Harbors Drive. Danny provided a cost estimate of \$3,200 to cut the asphalt, dig out the asphalt and replace with curb and gutter in a V shape on both sides. Danny cannot proceed until we have the permission of Texas Highway Department because the area we want to block is within the easement of this agency. A letter has been mailed to the Texas Highway Department explaining the dangerous situation and asking for permission to enlarge the esplanade and to close Nanny's curb cut which allows vehicles to exit Nanny's to Twin Harbors Drive.

Jim Wyckoff announced the next board meeting is scheduled for Saturday, December 8, 2012

The meeting was adjourned at 10:51 AM.

Respectfully submitted,

B. Milton (Chip) Choate
Secretary