

<b>Meeting Purpose</b>	Monthly Trustees Meeting	<b>Date</b>	6/8/2009, 19:30 – 21:00 EDT
<b>Meeting Attendees</b>	J.D Barlow – HOA President Dave Patton – HOA VP Andrew Lynch – HOA VP Marty Luxeder – HOA Treasurer Neil Wheeler – HOA Secretary	<b>Location</b>	Marty's house

**Meeting Minutes:**

1. JD called the meeting to order.
2. We reviewed the minutes from the last Trustees Meeting. There were no questions or additions. The minutes were accepted.
3. We discussed the Treasurer's Report. There is \$11K in past dues. Final letters will be sent tomorrow. After May 30, the past due accounts will be sent to Collections. Dave Patton is now authorized to sign checks. Dave has the 2008 books for the 2008 audit. The Treasurer's Report was accepted as presented.
4. We discussed Committee Updates.

Architecture Review Committee

- There have been six applications over the last 6 months. The committee continues to do a great job.

Block Watch Committee

- There have been several communications from Deputy Vogel, but none applied to our area.

Communications Committee

- The next newsletter will be July.

Fund Raising/Member Benefits Committee

- No report

Maintenance and Landscape Committee

- The sprinkler inspection and turn-up is complete. The sprinklers are now running. We had sprinkler damage at the South Entrance and this has been repaired. Spring flowers have been planted at both entrances. The damaged street sign was replaced and we have received payment for its replacement. Neil trimmed the pine trees at the South Entrance, as per AEP's request. A number of dead trees have been removed from around the subdivision. Neil found another volunteer to complete the North Entrance sign painting. Street signpost painting was started.

New Member/Welcoming Committee

- No report

Pond Committee

- Fish stocking was completed. Large mouth bass, striped bass, and grass carp were put in each pond. The pond 4 fountain is working, but not functioning at full capacity. The repairs we made have kept it going, but not running the right way. We will need to replace the fountain next year. Pond 4 fountain replacement was in the budget, but Neil decided to repair instead. We should have remaining funds to roll over to next year to cover most of it. Four benches were refinished and put at ponds 1 and 4.

Recreation/Social Committee

- There have been several suggestions for summer activities. Andrew is looking to form a committee and meet with them to finalize summer activities and a fall picnic. Once the committee meets, Andrew will bring recommendations for activities, sponsorship, and costs to the next Trustees meeting

Regulation Review and Elections Committee

- No report.

Property Upkeep Committee

- The two rental properties lawns that were extremely high have been cut. There has been a complaint about an unsightly grass pile. After discussion, Neil will send a letter to the homeowner. There have been a number of homeowners requesting Deed Restriction clarification on uncontrolled cats. After discussion, Neil will send an email to the concerned homeowners stating that due to lack of ordinances from Delaware County and Orange Township, we cannot do any more than continue to communicate to the homeowners about pet control. We discussed a sign that is on a house on Melrose. Signs are not allowed to be posted. Andrew will talk to the neighbor about why the sign is posted.

5. We discussed old business. The 2008 audit materials are in Dave's possession. He has not started, and will do it in his spare time.
6. We discussed the mailboxes. All the Trustees' mailboxes are to standard. We discussed what to do about the folks that have not complied to our requests. Andrew and Marty will evaluate for follow-up letters for the ones that are clearly the wrong color or in need of replacement. Marty has extra flags, if anyone needs one.
7. We discussed putting a list of rental homes together for future reference.
8. We discussed new business. The HOA has been named as a defendant in a lawsuit filed in Delaware County Municipal Court by a VAC homeowner. Andrew has contacted our insurance agent to open a claim. The insurance company covers the HOA in the event of such a claim. The process is underway to assign a lawyer and prepare a response to the lawsuit. The complaint is attached.
9. The golf outing may be moved to a different location. Marty is working on this, but planning to keep it on the same day.
10. The next Trustees meeting will be on August 17 at 6:30 at Marty's house.
11. The meeting was adjourned.

**Issues / Action Items:**

Issue/Action	Owner	Status	Comments
Paint the entrance signs	Neil	In Process	Another homeowner has stepped up to finish the job.
Investigate how to get addresses for the green space	Andrew	In Process	
Audit the 2008 books	Dave	In Process	
Review Deed Restrictions	Marty	On Hold	The Committee has not met and seems not interested in moving the project forward.

# S U M M O N S

FRANK ORDERS  
Plaintiff

vs.

SAMMY STAMM ET AL  
Defendant

DELAWARE MUNICIPAL COURT  
70 NORTH UNION STREET  
DELAWARE, OHIO 43015  
(740) 203-1560

Case No.: 09CVF01287

To the following named defendants:

SAMMY STAMM ET AL  
5971 CHEYENNE CREEK DR

LEWIS CENTER, OH 43035

VILLAGE OF ALUM CREEK HOA  
6718 MORNINGSIDE DR

LEWIS CENTER, OH 43035

FILED  
DELAWARE  
MUNICIPAL COURT  
DELAWARE, OHIO  
2009 JUN - 1 AM 10:31  
CINDY DINOVO  
CLERK

You have been named defendant(s) in a complaint filed in Delaware Municipal Court, 70 North Union Street, Delaware, Ohio 43015, by Plaintiff(s)

FRANK ORDERS  
6183 CHEYENNE CREEK DR

LEWIS CENTER, OH 43035

A copy of the complaint is attached hereto. The name and address of the plaintiff's attorney is , , .

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint within TWENTY-EIGHT DAYS after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the plaintiff's attorney.

IF YOU FAIL TO APPEAR AND/OR DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

\*\*\* ANSWER 28 DAYS FROM DATE OF SERVICE \*\*\*

Cindy Dinovo, Clerk of Court

By: S. T. Nichols  
Deputy Clerk

Date: JUNE 1, 2009

CVSC30D1  
Revised 010108

THE MUNICIPAL COURT OF DELAWARE COUNTY, OHIO

FILED  
DELAWARE  
MUNICIPAL COURT  
DELAWARE, OHIO

2009 MAY 28 AM 10:50

CINDY DINGO  
CLERK

Frank Orders  
6183 Cheyenne Creek Dr.  
Lewis Center, Ohio 43035

Plaintiff

Case No. 09CVF01287

v.

Judge: \_\_\_\_\_

Sammy Stamm  
5971 Cheyenne Creek Dr.  
Lewis Center, Ohio 43035

Village Of Alum Creek Homeowners Association  
Neil Wheeler- Trustee  
6718 Morningside Dr.  
Lewis Center, Ohio 43035

Defendants

  
JURY REQUESTED

COMPLAINT

COUNT ONE

1. Plaintiff, Frank Orders, hereinafter Plaintiff, resides at 6183 Cheyenne Creek Dr., Lewis Center, Ohio 43035.
2. Defendant, Sammy Stamm resides at 5971 Cheyenne Creek Dr., Lewis Center, Ohio 43035, Defendant Neil Wheeler, Trustee, resides at 6718 Morningside Dr, Lewis Center, Ohio, 43035.

3. Defendants are in Delaware County and are hereby subject to the jurisdiction of this Court.
4. Defendant Sammy Stamm has occupied and used the aforesaid real-estate, which is situated proximate to Plaintiff's aforesaid real-estate, although not adjacent. Defendant has built raised vegetable beds on both sides of his rear property which are noxiously, offensively, unsightly, and injurious to Plaintiff and his family, damaging to the real-estate and Plaintiff and his family's enjoyment thereof, and creating a nuisance.

#### **COUNT TWO**

5. Plaintiff re-alleges paragraphs 1 through 4 as if fully set forth hereinafter.
6. Additionally, and in the alternative, Plaintiff alleges that unless otherwise enjoined and restrained, Defendant Sammy Stamm will continue to act in such a manner as to maintain and or create further nuisances for which Plaintiff has no remedy at law.

#### **COUNT THREE**

7. Plaintiff re-alleges paragraphs 1 through 6 as if fully set forth hereinafter.
8. Additionally, the real-estate of Plaintiff and Defendants are all subject to and benefited by certain restrictions, including those set forth in a certain warranty deed of restrictions of record at volume 0669, page 165, et seq., in the Deed Records of the Delaware County Recorder's Office, all of which remain in full force and effect.

9. The restrictions set forth as aforesaid concerning raised vegetable beds were violated by the erection and or installation of the aforesaid vegetable beds in the manner described, and advances approval for said vegetable were not obtained by Defendant Sammy Stamm, or , additionally, and in the alternative, if obtained, was wrongfully obtained and should not have been granted.
10. Defendant Neil Wheeler, Trustee of the Village of Alum Creek Home Owners Association has failed to enforce the aforesaid existing restrictions and precedents established by the association. Precedent was established when the association made neighbor at lot # 5382 move their dog eared fence in ten feet from the rear and side property lines because it interfered with the water flow of the lot established by Delaware County Sewers. See exhibit A. Defendant Sammy Stamms raised flower beds are within this ten feet guide lines established by the association. See Exhibit B

#### **COUNT FOUR**

- 11 Plaintiff re-alleges paragraphs 1 through 10 as if fully set forth hereinafter.
12. Defendant Sammy Stamm lists a business as Sammy L. Sann and Co as 5971 Cheyenne Creek Dr, Lewis Center, Ohio, 43035 which is the same as his aforesaid real-estate.
13. Additionally, the real-estate of Plaintiff and Defendants are all subject to and benefited by certain restrictions, including those set forth in a certain warranty deed of restrictions of record at volume 0669, page 165, et seq., in the Deed Records of the Delaware County Recorder's Office, all of which remain in full force and effect.
14. The restrictions set forth as aforesaid concerning Businesses were violated by the listing and maintaining of the aforesaid Business in the manner described, and

additionally, and in the alternative, if obtained, was wrongfully obtained and should not have been granted.

15. The failure to follow aforesaid warranty deed restrictions devalue Plaintiff's and his family's property value.

16. Defendant Neil Wheeler, Trustee of the Village of Alum Creek Home Owners Association has failed to enforce the aforesaid restrictions bringing damage to the real-estate and Plaintiff and his family's enjoyment thereof.

Wherefore, Plaintiff Frank Orders prays for **JUDGMENT** against Defendant Sammy Stamm and Defendant Neil Wheeler, trustee of the Village of Alum Creek Home Owners Association for damages in excess of \$3,000.00 together with interest and costs; Plaintiff further prays for Defendant Sammy Stamm to take down aforesaid raised vegetable beds and or to move aforesaid vegetable beds beyond ten feet of rear and side property lines and to restore his rear yard to a previous lawful condition; to not list his business address as his residence address in any manner; to not have customers or any other persons related to his business come to his aforesaid real-estate which cause unlawful traffic flow; Plaintiff further prays for the Defendant Sammy Stamm to be **ENJOINED** from any and all further acts and activities which constitute a nuisance and or unlawful violations of aforesaid warranty deed restriction; Plaintiff further prays for the entry of **Judgment** declaring the restriction set forth in the warranty deed of restrictions of record as aforesaid to be in full force and effect, that precedent established by the association to followed, and that the construction of these raised vegetable beds and business established violate said restrictions, and that Plaintiff be awarded such other and further relief as the Court deems just.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Frank Orders", written over a horizontal line.

Frank Orders Plaintiff  
6183 Cheyenne Creek Dr. Lewis Center,  
Ohio 43035 614-203-5861



EXHIBIT A





EXHIBIT B

