



# The Mountain Memo

Volume 11, Number 2

Annual Meeting Issue

April 1995

## Annual Meeting To Be At COOLFONT

### **ANNUAL MEETING**

The annual meeting will be at Coolfont on 6 May 1995. Coolfont has a very good buffet lunch for \$6.95 (plus tax and tip) per person if you wish to eat there. No reservations are required and every member may make their own plans. I've scheduled the Thoreau meeting room from 2:00 to 5:00 pm. Topics for discussion and/or voting are shown below:

1. Approval of Minutes of last year's meeting
2. Financial report and proposed budget
3. Security and road maintenance reports
4. Election of Board members and Alternates
5. Discussion of Property and Security Manager positions
6. Constitution/Bylaws amendments
7. Other business

**THIS IS THE ONLY  
NOTICE OF THE  
MEETING YOU WILL  
RECEIVE.**

**A PROXY IS  
ENCLOSED WITH  
THIS LETTER.  
PLEASE FILL IN  
YOUR PROXY, SIGN  
AND DATE IT, AND  
RETURN IT TO:**

Elaine Young  
2811 Northwind Road  
Baltimore, MD 21234

### **PROPERTIES FOR SALE**

The Reynolds' have put their lot (A-9) on the market and are asking \$13,000 for it. Their phone number is (304) 229-3379.

Anyone interested in listing their property in the Newsletter, please contact Elaine Young. If you send the information to anyone else, it may not make it into the letter.

### **BOARD NOTES**

Gretchen Wyman has announced that she will be leaving the Board of Trustees one year early (June 1995) and Ron Drisko (currently an Alternate member) has agreed

to fill in for her last year. Gretchen has been Chair of the Board and has served in several other capacities over the years. She will be missed.

Bud Wyman, who has served the Association in the informal capacity of Security Manager, informed the Board that he will not do so in the future. Bud has been responsible for arranging for keys to the entry gates every other year and has been the Association contact for the hired security guard who checks cabins over the winter. The Board will miss his services and must appoint someone to take over these duties. It would be preferable if this position were assumed by one of the full-time residents (we now have several). Anyone who can assume this responsible position, please contact Elaine Young. This will be discussed at the Annual Meeting.

### **ELECTION OF BOARD**

David Klaas and Phyllis Manimbo have agreed to stand for election as regular Board

**The Cacapon  
Highlands Property  
Owners Assoc.**

**Board of Trustees**

**Chairperson**

Gretchen Wyman (96)  
(301) 963-0232

**Secretary-Treasurer**

Elaine Young (97)  
(410) 882-0076

**Trustees at Large**

Phyllis Manimbo (95)  
(304) 754-9598

Dave Klass (95)

(410) 882-4059

Barry Stahl (97)

(202) 832-1525 (97)

**Alternates**

Ted DePaolis (95)

(301) 271-4000

Ron Drisko (95)

(410) 433-7118

**Committees**

**Security**

Bud Wyman

**Environmental**

Ken Kisling

**Roads**

Dave Klass

members. If you would like to nominate anyone else, please do so on the enclosed proxy. This leaves two Alternate positions to be nominated and elected. Anyone interested in serving as an Alternate, please contact Elaine Young immediately [(301) 594-7906 daytime and (410) 882-0076 evenings] so that your name can be added to the slate. If you have never held office, please seriously consider volunteering. The responsibilities of an Alternate are really quite minimal - the Alternate is elected for a one-year term, attends Board meetings (3/year) and becomes a regular Board member in the event that a regular member cannot fulfill his/her term.

**OTHER BUSINESS**

Shirley DePaolis has informed the Board that she will not serve as Property Manager after this fiscal year. Therefore, the Association must arrange for a new Property Manager. The duties of this position are:

- (1) Maintain current and past Association records such as checking account, mailing list, etc.
- (2) Bill and collect annual fees
- (3) Place liens on properties as necessary and file releases when paid
- (4) File Federal tax returns by August 15 of each year.
- (5) Reconcile bank statements for Association quarterly and provide the Board of Trustees a quarterly report including a list of checks written
- (6) Assist in developing the annual budget.

In recent years the position has paid a salary of \$590 per year because Shirley agreed to do it for that

amount. The Board would like to hire a member of the Association because if we go outside it will cost upwards of \$3,000 per year for this service. Anyone interested in applying for this position should contact Elaine Young immediately. Shirley has agreed to give assistance to the new Property Manager, if necessary. This will be discussed at the Annual Meeting -- remember if someone from the Association will not do it, it is likely our costs will go up.

**CONSTITUTION AND  
BYLAWS**

Constitution and By-Laws have been re-written for the sake of clarity. **NO MAJOR CHANGES HAVE BEEN SUGGESTED.** A draft copy of each is enclosed for your review. Please look these over and come to the Annual Meeting prepared to discuss them. Words/phrases in bold have been added and words/phrases with a line through them have been deleted in comparison to the old version from 1990. If you have any other changes or suggestions, please write them out before the meeting and be prepared to present them to the group.

Please **send in your proxy even if you plan to attend the Annual Meeting.** If you send in a proxy and then attend, you may withdraw your proxy and vote in person.

**THIS IS YOUR  
ASSOCIATION - PLEASE VOTE  
YOUR PREFERENCE.**

**PROXY**

**OFFICERS**

I cast my vote for the election of **David Klass** as an active Board member. \_\_\_\_\_

I cast my vote for the election of **Phyllis Manimbo** as an active Board member. \_\_\_\_\_

I wish to nominate \_\_\_\_\_ for active Board member.

I wish to nominate \_\_\_\_\_ for Alternate Board member.

I wish to nominate \_\_\_\_\_ for Alternate Board member.

**CONSTITUTION AND BYLAWS**

I vote to amend the Constitution and Bylaws as submitted by the Board. \_\_\_\_\_

I vote **NOT** to amend the Constitution and Bylaws as submitted by the Board. \_\_\_\_\_

Property Owner's signature \_\_\_\_\_

Lot Number(s) \_\_\_\_\_ (One vote per lot)

Date \_\_\_\_\_

Please fold so that the name on the back shows up as an address, secure it with tape (please donot staple), and mail.

Postage

**Elaine Young**  
**2811 Northwind Road**  
**Baltimore, Maryland 21234**

THE CACAPON HIGHLANDS PROPERTY OWNERS' ASSOCIATION

CONSTITUTION

Section 1. The name of this unincorporated association is the Cacapon Highlands Property Owners' Association, and the members shall be those persons owning lots and required to pay the annual mandatory assessments in the Cacapon Highlands Subdivision in Morgan County, West Virginia.

Section 2. ~~The locations and post office of the mailing address of the~~ Association shall be at a location determined by the Board of Trustees.

Section 3. The purposes for which the Association is formed are:

- a). To administer the funds collected from the members of the Association for the maintenance, improvements, or repairs of existing private roads, common lands and right-of-way in the Cacapon Highlands Subdivision, or other purposes in the common good as determined by the Board of Trustees.
- b). To elect a Board of Trustees to be the governing body of the Cacapon Highlands Association subject to the approval by the Association body.
- c). To enforce the rules and regulations as set forth in these attached Bylaws and in the Covenants, Conditions and Restrictions.

Section 4. The Trustees of the Association to be elected as provided by the By-Laws shall have the authority to collect, demand, and sue for the mandatory annual assessment which each lot owner is required to pay under the terms of Article 3, Paragraph 1 of the ~~Protective Covenants, Conditions and Restrictions, and Easements,~~ pertaining to the subdivision as the same is recorded in the ~~Office-Easements, pertaining to the subdivison as the same is recorded in the~~ Office of the Court of Morgan County, West Virginia, Deed Book 111, Page 222.

Section 5. The qualifications for the members of the Association, the property, voting and other rights and privileges of the members shall be as from the time set forth in the By-Laws of the Association.

BY-LAWS OF THE CACAPON HIGHLANDS PROPERTY OWNERS' ASSOCIATION

ARTICLE I

Section 1. The membership of the Association shall consist of those property owners owning lots in the Cacapon Highlands Subdivision in Morgan County, West Virginia.

Section 2. Each member shall be liable to such assessment as the protective Covenants, Conditions and Restrictions ~~and easements~~ may provide, and there shall be no transfer of membership in the Association until such dues are paid in full to the Association Trustees.

Section 3. In all elections, the owner or owners of each lot on which the assessments have been paid to date shall have one (1) vote. A majority of votes ~~as represented~~ by those in attendance or by proxy shall be requisite to determine a question.

Section 4. Voting in ~~the elections of~~ the Association may be in person or by proxy, provided such proxy ~~be is~~ executed by the lot owner(s) and filed with the Trustees in writing before the meeting at which the proxy is to be voted.

Section 5. In the event of the sale or transfer of a lot, the ~~original owner~~ seller shall provide the ~~new owner~~ buyer with a copy of this document, a copy of the Covenants, Conditions and Restrictions, and shall be responsible for dues assessed prior to the sale or transfer of the property and shall provide the Trustees with the name, address, and phone number of the new owner.

Section 6. On transfer or sale of a lot, the ~~prior owner's~~ seller's membership in the Association shall cease.

ARTICLE II

Section 1. The Board of Trustees of the Association shall consist of five (5) Regular members, plus up to two (2) Alternate non-voting members. ~~who The five (5) Regular members shall also constitute the Board of Directors and who shall elect from their number two (2) persons who shall be one (1) person as chairman and one (1) as co-chairman; and one (1) person who shall be the Treasurer and who shall administer all funds for said the Association; one (1) person who shall be Secretary and who shall administer all notification and recording for said the Association and one (1) person who shall be a Trustee-at-Large. Any unfulfilled term may be filled through a special election at any regular meeting of the Board of Trustees from the entire Board (Regular and Alternate)~~

Section 2. The Trustees shall be members of the Association and shall attend the annual meeting of the Association, which shall be held in May of each year.

Section 3. The original Trustees were appointed by Tuscarora Land Co. from among the persons then owning lots in the Cacapon Highlands Subdivision, two (2) to serve a term of three (3) years; one (1) to serve a term of two (2) years; and two (2) to serve a term of one (1) year; thereafter the members of the Association shall elect Trustees as necessary to fill the vacancy or vacancies on the Board as they ~~vacancies~~ occur. Each elected Trustee shall serve a term of three (3) years, except alternate trustees who will serve a term of one (1) year.

#### ARTICLE III

Section 1. The Chair~~man~~ of the Board of Trustees shall preside at all meetings of the members and at all meetings of the Trustees, and ~~he~~ shall implement and direct the execution of the policies and functions of the Association. Upon request of two (2) Trustees and the Chair, ~~shall~~ a special meeting of the Trustees or of the Association ~~as~~ may be held ~~requested~~.

Section 2. The Trustees shall meet no more than 90 days nor less than 60 days prior to the annual meeting and not less than two additional times ~~a~~ per year as called by the Chair.

Section 3. The Board of Trustees shall establish ~~such~~ regulations ~~as may be~~ necessary for the payment of the day to day expenses and shall be responsible for the initiating~~on~~ and maintenance of a fund for petty cash and the authorization ~~to the chairman~~ to pay such ordinary and recurring items of expense as may be necessary.

Section 4. The Trustees shall have custody of all ~~the~~ monies of the Association. ~~They are to~~ The Trustees shall deposit the same in a bank account under the name of the Association and keep a full and complete account of all the transactions by and on behalf of the Association. All checks and drafts on the Association's funds shall be signed by the Treasurer and one (1) other Trustee, except where otherwise specially provided by the Board of Trustees. ~~with relation to petty cash expenditures and recurring service expenses.~~ The Trustees shall exhibit a statement of the account annually to the members at the annual meeting.

#### ARTICLE IV

Section 1. The members shall receive from the Secretary at least fifteen (15) days notice of the annual meeting of the Association, which ~~meeting~~ shall be held on the grounds of the Cacapon Highlands Subdivision or at another location acceptable to a majority of the Trustees, at a time to be designated by the Trustees. At the annual meeting, one or more Trustees, sufficient to fill the Board's defined membership of five (5) persons, shall be nominated and elected by a majority of the members present to serve terms of

three (3) years. ~~and~~ Two (2) alternate members shall also be nominated and elected for a term of one (1) year. ~~each shall be nominated and elected by a majority of the members of the Association present at the annual meeting.~~ Each eligible member may vote in person or by proxy. ~~, again each lot having one (1) vote.~~

Section 2. The Secretary shall, at least fifteen (15) days prior to each meeting of the Trustees, ~~give~~ provide each Trustee a written notice of the meeting by mailing ~~them~~ the time and place set for said meeting. ~~, said notice to be directed to the members' addresses appearing on the records of the Association.~~

Section 3. Nothing hereinbefore set forth with reference to Trustee meetings and notices of meetings, shall preclude the holding of a meeting pursuant to waiver and by agreement of all the members of the Board of Trustees as the case may be.

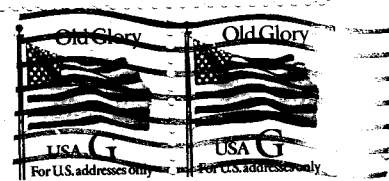
#### ARTICLE V

Section 1. Amendments to these by-laws may be at any annual meeting provided that the proposed amendment being offered be in writing and notice of said proposed amendment be mailed to all members of the Association, together with a copy of same at least fifteen (15) days prior to the annual meeting at which said amendment shall come before the membership for vote.

Section 2. To be adopted, any amendments to the By-laws must receive a majority of the vote of the members represented at the Annual Meeting either in person or by proxy. ~~Any amendments to the by laws must receive a majority of the vote of the members present and by proxy in order to be adopted.~~



ELAINE YOUNG  
2811 NORTHWIND RD.  
BALTIMORE, MD 21234



Thomas Thompson  
HCR 62 Box 120-G  
Great Cacapon WVA 25422

ADDRESS CORRECTION REQUESTED

25422-9720



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