

THE MOUNTAIN MEMO

AUGUST 1995

ANNUAL MEETING The annual meeting was held at Coolfont on 6 May 1995. The meeting was well attended and lively discussion was held on several matters of concern to the membership. The financial report showed the Association to be in good shape -- we have been spared the cost of gypsy moth spraying recently and last winter was not too hard on the roads. A slate of candidates was approved consisting of David Klaas and Phyllis Manimbo as regulars and Sandra Wilson and Ted DePaolis as alternates. Shirley DePaolis indicated she wanted to terminate her position as Property Manager and Barry Stahl volunteered to accept the position. Barry is a member of the Board. The Constitution and Bylaws were amended as submitted and a copy is included in this Newsletter.

PROPERTIES FOR SALE Al Stahl has put his lot and cabin (D-6) on the market and wants \$37,500. Interested parties may contact him at (304) 263-6071 or Long & Foster.

Ed and Sue Cole have put their lot (D-28) up for sale for \$15,000. The lot is 5.2 acres and has septic installed. Contact them at (301) 972-6712.

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 The Board has met once (on 22 July 1995) since the Annual Meeting and appointed positions as follows:

Ron Drisko	(96)	Chair	(410) 433-7118
Elaine Young	(97)	Secretary	(410) 882-0076
Barry Stahl	(97)	Treasurer/Property Manager	(202) 832-1525
Phyllis Manimbo	(98)	At-large/Security	(304) 754-9598
David Klaas	(98)	At-large/Roads	(410) 882-4059
Sandra Wilson	(96)	Alternate	(410) 768-9256
Ted DePaolis	(96)	Alternate	(301) 271-4000

Other matters discussed at the Board meeting included trash dumping. Over the July 4th weekend several plastic bags of garbage were picked up which were far enough from the road to have been placed intentionally. Unless you bring your mother with you, please haul your trash out - no one wants to spend their weekend picking up after others. If you let friends use your property, please emphasize the importance of carrying out their trash.

The matter of the main gate being left open was discussed at length as it was at the Annual Meeting. The gate was placed by the developer to help protect the properties inside and increase their value. And it worked! -- Cacapon Highlands has suffered relatively little vandalism and burglary over the years. Everyone

in the Association knew of the locked gate when they purchased their property and by purchasing, accepted it. If the Association votes to enforce the locking, legal advice indicates the court will support us. Please emphasize to your guests that the gate must be locked at all times. Also, if you see someone leaving the gate open, please speak to them about it. This is YOUR property - protect it! If you would also like to report any incident to Phyllis, she is keeping a file. Her phone number is listed above.

Hunting season will be starting in a few months and it will become even more important to keep the gate locked to discourage hunters from entering the grounds. As usual, the Association will publish a "No Hunting" notice in the Morgan Messenger at the beginning of the season. Therefore, if you see anyone hunting on the grounds, you should call the sheriff's office at (304) 258-1067 rather than confronting the hunter(s) yourself.

The next meeting of the Board will be on 4 November 1995. If you have any items you wish the Board to discuss, please contact Elaine Young no later than 2 weeks before that meeting. A Newsletter will follow the next meeting.

REMINDER

Please be sure to notify both the County and the Association if your home address changes so that you will receive your tax bill and any Association mailings. Also, if you place your property for sale with a realtor, please provide that realtor with a copy of both the covenants and the bylaws. If you sell directly to a buyer, then you should provide them directly to the buyer.

ENVIRONMENT An application will be filed with the West Virginia Department of Agriculture to have our development surveyed to determine if we need Gypsy Moth Spraying in 1996. They will do an egg mass count at various sites on the mountain sometime in the Fall and give us their recommendation before the end of the year.

COYOTES AND RATTLESNAKES HAVE NOT BEEN STOCKED IN WEST VIRGINIA That was the heading on the following Morgan Messenger article:

"A number of false rumors have been circulating around the state regarding the stocking of coyotes and rattlesnakes in West Virginia. 'Numerous telephone calls have been received by Division of Natural Resources office with questions and rumors regarding the stocking of these animals by DNR,' according to Bernie Dowler, chief of the wildlife Resources Section. 'These rumors are absolutely false,' said Dowler. 'I have no idea where these ideas get started, but I can assure you that we have not released any coyotes or rattlesnakes in West Virginia.' Coyotes are a relatively new inhabitant to the state. 'During the pst 15 years, coyotes have naturally expanded their range into West Virginia,' according to Jim evans, district wildlife biologist and furbearer coordinator for the Wildlife Resources Section. 'The entire eastern region of the United States is experiencing an increase in coyote numbers as this adaptable animal expands into new ranges.' Timber rattlesnakes have always been present in West Virginia and can be found in relatively low numbers throughout most of the state. Although timber rattlers are not aggressive snakes, they may coil and strike when surprised or disturbed. Neither their range nor population size is expanding in West Virginia."

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 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 the 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 Covenants, Conditions and Restrictions, pertaining to the subdivision 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 may provide, and there shall be no transfer of membership in the Association until such dues are paid in full to the Association.

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 by those in attendance or by proxy shall be requisite to determine a question.

Section 4. Voting in the Association may be in person or by proxy, provided such proxy 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 seller shall provide the 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 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. The five (5) Regular members shall elect from their number one (1) person as chair and one (1) as co-chair; one (1) Treasurer who shall administer all funds for the Association; one (1) Secretary who shall administer all notification and recording for 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 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 of the Board of Trustees shall preside at all meetings of the members and at all meetings of the Trustees, and shall implement and direct the execution of the policies and functions of the Association. Upon request of two (2) Trustees and the Chair, a special meeting of the Trustees or of the Association may be held.

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 per year as called by the Chair.

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

Section 4. The Trustees shall have custody of all monies of the Association. 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. 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 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. Two (2) alternate members shall also be nominated and elected for a term of one (1) year. Each eligible member may vote in person or by proxy.

Section 2. The Secretary shall, at least fifteen (15) days prior to each meeting of the Trustees, provide each Trustee a written notice of the meeting by mailing the time and place set for said meeting.

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.

ELAINE YOUNG
2811 NORTHWIND RD.
BALTIMORE, MD 21234



Thomas Thompson
HCR 62 Box 120-G
Great Cacapon WVA 25422
Lots B-15, C-1

