

Autumn 2003

Volume 19, Issue 1

From the Chair

HURRICANE ISABEL:

Well, it looks like we all survived ISABEL, but believe me she took her best shot. She knocked out power in our community from about 1:30 am Friday, September 19th, until about 6 pm Sunday, September 21st. She took out a bunch of trees, including 3 alongside our driveway; 1 across the Klass driveway, knocking out their electric; and 1 at the Wilsons, knocking out their electric, too.

Inspect your property carefully for trees that have been uprooted, but have yet to fall because they're caught on another tree. Kudos to the property owners who took it upon themselves to inspect neighbors' properties, clear the roads of fallen trees, and notify Allegheny Power of damaged lines and equipment.

C.H.P.O.A. Status:

There has been a huge amount of turmoil in our community during the last several years.

- We have witnessed unauthorized lawsuits practically bankrupt our association and divide our neighbors.
- We have witnessed our roads turn into an absolute disaster. We have heard the "lack of money" excuse for the roads while at the same time observed the board as it neglected to send out bills for dues to our property owners.
- We found out after-the-fact about the purchase of a plow truck only to have its transmission break the very first time out because the operator didn't check fluid levels until it was too late.

CHPOA Board of Trustees

Chairperson - Dennis F. Talley
Co-Chairperson - Jim O'Brien
Secretary - Phyllis Manimbo
Treasurer - Laura Dyer
Roads - Russell Day

We have witnessed association meetings where even the majority of board members didn't bother to attend. Along the way we have had a minimum of communications from our board. And the list of misdeeds goes on and on. We all have our complaints, and opinions.

The fact is this present Board of Trustees was elected the 3rd week in June of this year. It took almost three (3) full months for us to obtain financial records and be able to write checks. Each of us takes the responsibility of being on the board very seriously. What has happened over the last several years is done and over with. It's time to get back on course.

That means we will be enforcing our covenants for the benefit of all property owners. No favorites. Take a few moments and read your covenants. If you do not have a copy of your covenants please contact the board and we will mail you one.

Just some of the things that this board has initiated to date since June:

1. Set up P.O. Box 457 Great Cacapon, WV 25422 as a permanent C.H.P.O.A. address for contact.
2. Notified local settlement attorneys and real estate firms of our new address so that they may contact us to obtain up to date dues status for a property being sold.
3. Switched our banking to the local Berkeley Springs BB and T branch so that our treasurers can bank where they live.
4. Authorized additional signers on our checking account so that if one board member resigns it will not cripple the association again.
5. Passed a resolution, prohibiting authorized check signers from writing a check to themselves.
6. Contacted the 911 emergency services center to finalize new names for our roads.
7. Commissioned the making of new road signs for our community.
8. Commissioned road repairs.
9. Decided on a refund plan for the \$200 special assessment that was collected a couple years ago.
10. Determined which properties still had outstanding dues owed to the association, and billed each of them.

The Roads

Help is on the way. We have authorized a local contractor to work on our roads this Fall. Please refer to Russell's *Road Report* for specific information.

Please SLOW DOWN when you're driving through our community. Speeding is dangerous, and the vehicles scatter dust, causing a nuisance to all. If you're scattering dust you're driving too fast, and you're damaging our roads at the same time. Please have some consideration for other property owners.

We have commissioned Tom Thompson to erect a series of signs for our community. They will all be in the same eclipse-style as our attractive Cacapon Highlands sign at the main gate. If you wish to have Tom make you an address sign for your property in this same style you can contact him at 304-258-4985.

The following signs will soon be erected in our community:

Cacapon Highlands North -

A smaller version of our main sign will be erected on the north side of Detour Road at the smaller stone pillars on North Trevor Drive.

Nuisance Driving -

Two (2) signs prohibiting nuisance driving in our community will be erected as you come in the main gate and at the corners of Trevor Drive/Justin Lane/Justin Road.

No Trespassing -

This sign will be erected under our main Cacapon Highlands sign, announcing the no trespassing/private roads message.

Road Signs -

Existing road signs with the wrong names will be replaced with attractive road signs with the correct names.

Web Site

Tom Thompson has set up a web site for C.H.P.O.A. property owners:

www.caponhi.com/chpoa

From this site you can link for Great Cacapon weather (Tom actually has a video camera set up on a thermometer so you can check the current temperature on the mountain). And Tom will post other tidbits of information for your reading enjoyment.

.\$200 PER LOT SPECIAL ASSESSMENT REFUND:

In August at the Board of Trustees meeting we decided on a plan to refund the \$200 special assessment that so many of you paid a couple of years ago.

Effective on the 1st of January, 2004 those property owners who still own property on this date, and who paid the \$200 special assessment per lot will be entitled to a refund of this amount. Due to the financial condition of the association it is impossible to refund these monies in full immediately. Instead this refund will be done over a ten (10) year period at a reduction of \$20 per lot,

Your bills that will be issued in January of 2004 and each year thereafter will reflect this adjustment. Should you sell your property after January 1, 2004 it will be the individual property owner's responsibility to keep the board informed of your current address. In that case the refund will be paid by check and mailed yearly. Refunds will continue until fully paid.

Should the financial condition of the association change to a more favorable condition in the future the board reserves the right to make all of the refunds due immediately and will commission immediate payment

UNPAID DUES

If your property is listed in Laura's *Treasury Report* as having delinquent dues please pay them immediately. If you have a financial problem you can contact Laura and she will make confidential arrangements.

If you are a new property owner and the previous owner was delinquent I suggest you contact the previous owner or your title insurance carrier. We will sympathize with you, but the covenants state that the dues stay with the property. That means it is now your responsibility to pay them if they existed at the time of title transfer.

Please. Do not ignore these bills. If you feel that you have paid your dues contact us immediately with proof of payment.

Your covenants are very specific about payment of dues, and what is to be done if they are not paid. As trustees we are mandated to collect these overdue dues or file liens against properties that are delinquent.

If a lien is filed you can expect additional attorney fees and the like. These costs will be the property owner's expense.

Understand that if a lien is filed it will be executed as quickly as the law will allow. That could mean a sheriff's auction on the courthouse steps. We will not be waiting 5-10 years for you to sell your property to collect delinquent dues

From the Co-Chair

At our Annual Meeting and at our past Board Meeting some concerns were shown as to the use of firearms and hunting on properties within our association boundaries.

Please refer to www.wv.gov and click on Division of Natural Resources for a complete list of hunting regulations.

Four major points that are often overlooked are as follows:

1. It is illegal to discharge a firearm within 500 feet of a dwelling. This includes your own house! It is also illegal to discharge a firearm across a public right of way.
2. It is illegal to hunt on property that does not belong to you without express written permission from the owner which must be carried by said persons at all times.
3. A permit is required to carry a handgun in West Virginia except on your personal premises. Also note that at all times it is illegal to possess any loaded firearm in a motor vehicle.
4. It is illegal to carry an uncased or loaded firearm in the woods except during open firearms hunting season.

These items were discussed with the Sheriff's Department of Morgan County but in no way should be construed as the Board's interpretation of said laws, just our observations. For any further clarifications, please contact either the Morgan County Sheriff's Department at 304-258-1067 or the Department of Natural Resources.

Road Report

It's been a long time coming (4 years) but we are finally able to have some professional repairs done to our roads. At some point this Fall a local contractor will come in with his heavy equipment to try and make our roads decent again. Not perfect, mind you. Just decent. It will require more attention next Spring and Fall to get these roads up to par.

The rains have pushed his schedule back, but as you may already have observed, our contractor has commenced delivering material to the subdivision.

Our selection of contractor was based on his inspection of our roads; our inspection of his work on roads in a similar subdivision; his proposed materials & manner of grading; and of course price.

The problem with our roads centers around how water is being disbursed off of them. I'm certain that most of us have witnessed the water rushing down the lanes of our roads, taking the gravel and road base with it via erosion.

To solve the problem our contractor will be cleaning out all of our ditches, cleaning out our culverts (ones under our roads), crowning our roads to force the water off and placing ten (10) loads of shale on areas that need help with a more suitable base. The cost will be in the range of \$3,500. When he is finished we will have a series of dump trucks bring in five (5) loads of gravel at an additional approximate cost of \$1,400 and tailgate onto designated areas of our roads to further shore up our base.

But we need your help: During this construction, and for months afterward, we need for you to drive extra slow on our roads. Much of the crowning phase of construction will require pulling material from the sides of our roads while building up the center. While the contractor will be compacting with his heavy machinery, our completed roads will none-the-less be relatively soft. Speeding will scatter the material (dust) and the result will be accelerated future erosion. If you can see dust in your rearview mirror you are driving too fast. Please slow down. This goes for 4-wheelers, too

Culverts: If you have not already installed a culvert under your driveway you must install one immediately. If your property is ditched up by the road (generally not ditched if you are on the low side of your road), and you do not have a culvert installed you are creating a dam in the flow of water. The

result is that the water is diverted back onto the road where erosion takes over. For over twenty (20) years our covenants have required a culvert to be installed by each owner where necessary.

Our contractor is instructed to dig out any driveways that are damming up our ditches. If you are not sure if you need a culvert or not please contact me, Russell Day, at 304-258-1732 (or Dennis Talley at 304-258-8966) and I will advise you.

Treasury Report

I'm sure you've heard the phrase "*easy come...easy go*" haven't you? Well, since taking over as Treasurer for C.H.P.O.A. last June I'm coining a new phrase:

"hard to come...gone before it gets here!"

It took almost three months for me to get our financial records and to make the switch for authorized check signers for our C.H.P.O.A. account at Bank of America. We still do not have all of our past monthly bank statements. We're working on that.

Some changes:

We opened a new checking account with the local *Branch Banking and Trust* in Berkeley Springs. This way future treasurers can bank in the Baltimore/Washington area or they can use the local office here in Morgan County. We now have more than one board member authorized to sign checks. That way if a board member resigns it won't cripple the association like it did the last two years.

We established a Post Office Box in Great Cacapon so that statements will go to a permanent address instead of to a different treasurer's home address every couple years or so. This should also help local settlement attorneys and real estate offices when they need to contact the Board of Trustees to obtain the current status for a C.H.P.O.A. property owner's payment of dues

Where we stand:

Effective September 30, 2003 we had \$6,536.71 in our checking accounts. Expenditures since June are the following:

\$ 37.00 to Post Office for Stamps; \$1,202.54 reimbursements to Jim O'Brien for road repairs, snow plowing for 2003, postal fees for mailing out statements for dues, and restaurant bill for annual meeting; \$38.00 reimbursement to Dennis F. Talley for P.O. Box; \$380 to Courtney Day for pothole repairs on June 3, 4, 5.

Outstanding bills to be paid total approximately \$5,000 set aside for repairs for our roads this Fall. That only leaves us about \$1,500 to get through the winter. Approximate outstanding delinquent dues from C.H.P.O.A. property owners total \$7,300.

Complaints:

I have heard a bunch of complaints for not sending in dues. We are really trying to make things better for all property owners.

You complained about no communication with the board. We'll be sending out Mountain Memos quarterly. We have a web site. We have a permanent address for letters. And we'll be erecting a new bulletin board at the corner of Trevor and Justin.

You complained about not receiving bills. Well, they're out there now and future ones will be mailed in January of each year.

You complained about not getting any attention on the north side of Detour Road in our subdivision. A North Trevor road sign and a smaller version Cacapon Highlands North sign will soon be erected. All snow plowing this year will include the north section. Road repairs as needed will be done in the future.

You complained about the \$200 special assessment. A refund plan for that has been approved by the board.

You complained about the bad roads. They are now being repaired. New attractive road signs will soon be erected.

You complained about snow removal. Unless everyone pays their dues there will not be enough money to plow the roads.

Lots With a Delinquent Dues Status:

According to our records, the following lots have delinquent dues for these time periods:

Gypsy Moth: A7 A9 A12 A16 A18 B4 B8 B11 C3 C10 C24 C27 D5 D14 D16 D20 D25 D26 D27

2001: D14

2002: A9 A12 A17 A18 A20 B4 B6 B8 B11 B17 C3 C10 C16 C18 C19 C22 C23 C24 C26 C27 C28 C30 C31

D1 D2 D3 D9 D10 D11 D14 D16 D20 D21 D24

2003: A6 A9 A12 A17 A18 A20 B4 B5 B6 B8 B11 B17 C3 C7 C8 C10 C16 C17 C18 C19 C20 C22 C23 C24

C26 C27 C28 C29 C30 C31 D1 D2 D3 D9 D10 D11 D13 D14 D16 D20 D21 D24

If you have a financial situation that makes it difficult for you to pay your dues at this time please contact me, Laura Dyer, immediately at 304-258-9845 to make other confidential payment arrangements; Or bring your dues current. It's not fair to everyone else for you not to pay your dues in a timely fashion.

The covenants require that we place liens on your property if the dues are not paid. There's no reason to let it come to that. Nobody wants to see anyone lose their property over a couple of hundred dollars in delinquent dues.

Please do not let this dues thing snowball into something really ugly

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Secretarial Report

There are a lot of interesting things to do this time of year in greater Berkeley Springs. The leaves will soon be changing - a beautiful site for all. But there is a lot more to see and do in Berkeley Springs this time of year:

- Drive the 80-mile Morgan County segment of the Washington Heritage Trail.
- Attend the Apple Butter Festival October 11th & 12th in Berkeley Springs.
- Play a round of golf at the Cacapon State Park.
- Play putt-putt golf at Cold Run Driving Range or at Timber Ridge Park.
- Drive go-carts at Timber Ridge, too.

- Go hiking, camping, horseback riding or fishing.
- Go shopping at all of the neat little shops in downtown Berkeley Springs, or just simply relax for a quiet dinner at one of our local restaurants.

There's lots to do this time of year. Sign up for weekly updates of events in Morgan County at www.berkeleysprings.com

Next C.H.P.O.A. Board of Trustees Meeting:

10 AM on Saturday, November 15, 2003 at the Talley cabin (250 Trevor Drive in the subdivision). All property owners are welcome to attend, but please R.S.V.P. by phone (304-258-8966) due to limited space. If we need to move to a larger location that will be done; it depends on the number of property owners attending.

C.H.P.O.A.
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