



# The Mountain Memo

Volume XIV Number 2

Summer Issue

September 1998

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## Logging Issue Replaces Suit

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The association's attorney filed for dismissal in the case brought against CHOPA, and the judgement has been handed down in our favor. The possibility of an appeal is still viable. Future action to recover about \$7,000 in fees is being considered.

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The Board has the following to report:

This is to let you know that our attorney, Richard Gay, believes that the logging which has been going on in Cacapon Highlands violates several provisions of our restrictive covenants, which are filed in the County Clerk's Office and which apply to all of our deeds.

We have discussed this matter with Mr. Gay, and have authorized him to file for a preliminary injunction in the Circuit Court of Morgan County, against the logging company and the property owners involved, if the logging does not stop. If we have to take this route, we will also ask for damages, court costs, and attorneys fees.

Mr. Gay wrote a letter to those involved on August 26, giving them until Friday, August 28, at noon, to stop the logging. We are hopeful that all parties involved will heed the warning in the letter and will stop violating the restrictive covenants.

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The Mountain has been a great place to be this year, the weather has been exceptional and the occurrences of mischief has been at a minimum.

The State Roads used the area around the main gate for stone storage while they improved Detour Rd. and we were rewarded with the excess stone which they added to the area around the gate.

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In a semi-rural area. We recently had a new neighbor call the local township administrative office to request the removal of the Deer Crossing sign on our road. The reason: Many deer were being hit by cars and he no longer wanted them to cross there.

*Cacapon Highlands  
Property Owners  
Assoc.*

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Here it is September and school is back in session, plans are being made for the annual Apple Butter Festival (Oct. 10th & 11th) and, more important to those on the mountain, it is the beginning of the Fall Fire Awareness precautions. No open fires between the hours of 9 AM and 4 PM unless you have a permit. Also burning is restricted to brush and debris, no trash or garbage. Please heed this warning and keep our mountain green.

In our annual review of our road system with Bernie Hook, it has come to our attention that there are many homeowner's who have driveways from the association roads across the drainage ditch without a minimum 12 inch diameter culvert as specifically addressed in our covenants. There are some instances where the culvert is not necessary (i.e., the downside of the road where there is no ditch). But in most instances where there is no culvert any water flowing in the ditch is diverted over the road rather than under it, as the system was designed.

In coordination with Bernie Hook, we are mapping under road culvert locations and clearing them. We will then identify other areas that may benefit from additional culverts.

Finally, we expect all homeowners who do not have the culvert installed to make arrangements for their installation as soon as possible.

We plan to completely clear the ditches this spring so time is of the essence in either contracting directly with Bernie Hook or another excavator for this work or heaven forbid, digging and installing it yourself! Please take care to recognize that the invert, or bottom, elevation of the pipe will be much lower than

the present ditch depth come springtime when we clean them out. Jim O'Brien, Roads Committee

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An expression of gratitude for the sitting Board and in particular Sandra Wilson, Chairperson is appropriate at this time. In the past there have been a number of good sitting Boards but none of them have had to deal with the problems and sticky situations that have occurred over the past six months. For a Board, who voluntarily accepted their positions for the good of the Property Owners and never expected to encounter the legalities that this Board has had to endure, I take off my hat.

Sandra Wilson been inundated with phone complaints and verbal abuse from anyone who has felt wronged by actual happenings or by the rumor mill which persists on the mountain because of her position on the Board. She has had to change her schedule many times to attend court hearings, make depositions and to research materials requested by the Association lawyer. She is constantly on the phone answering complaints, talking to other Board members and trying to accomplish much more than any previous Board has had to deal with while seated. She attends school on a full time basis and is in the middle of changing addresses and renovating the new house. I don't know how many of our Property Owners would have stood up as well.

Zeky Day being the lone member of the Board who resides on the mountain, has been asked to provide depositions, take photos of areas on the mountains pertaining to suit brought against the Association, meet with lawyers and appear at court in his capacity as Security Committee Chairman.

The remainder of the Board members presently seated should also be congratulated for their support and cooperation in this situation.

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If love is blind, why is lingerie so popular?

If the #2 pencil is the most popular, why is it still #2?

If you ate pasta and anti pasta, would you still be hungry?

**Mountain Memo**  
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