

Plantation Homeowners Association  
600 Plantation Drive  
Pharr, Texas 78577

February 13, 2012

### Monthly Homeowner's Meeting

The Meeting was called to order by President Eva-Maria Ellrich at 6:30 PM.

#### Open Forum:

Mr. DeZiel, 605 Atlanta Crt. Mr. DeZiel had a host of statements. The Board was criticized for "allegedly" handling our affairs wrongly and not according to the new Texas law. He read off a two page prepared statement, a copy was handed to the Board. It included preparation of the minutes, preparation of the agenda; notification methods and time line of informing him. We listened carefully. The V.P. told Mr. DeZiel some of those laws, cited by him, came only into effect since 1-1-2012. The V.P. and Paul Smith both explained to him that we followed the guidelines. Mr. DeZiel felt he should be personally been informed through e-mail. Paul Smith reiterated that the agendas and minutes have been posted at the Community Bulletin Board. Mr. DeZiel's greatest concern is, that Mr. Abbott is just waiting for us to make mistakes, which would fuel his complaints he has in his lawsuit against PHOA. Mr. DeZiel doesn't want to see any more lawsuits. Paul Smith said if all those 280 e-mail addresses wish to be personally informed, they should sign-up at the desk.

We will use additional mediums from now on. ( channel 9, website).

Our V.P. disagreed with Mr. DeZiel's points. He indicated that, since other homeowners were waiting in line for questions to the board, it would not be feasible to respond at that time to all the comments presented by Mr. DeZiel. .

Mr. Dave Johnston Palmer Dr.: Concerned about PHOA and how Plantation is operating. People like to buy here but shying away because of lawsuits and roads. We have never given full explanations of the status of all lawsuits. He spoke to some officials at city hall what options we have concerning roads. Open the gates and let the city handle the roads. However, they most likely will charge us around \$4,000.00/ lot. Also, maybe we should charge another \$10.00/per lot/per month. Mr. Johnston estimate to fix the main road from Cage/up to clubhouse, might be around \$300,000.00. We should consider a loan.

Paul explained to Dave right now, we have to concentrate on the covenant issue. Paul is not comfortable with asking for special assessments. He said if we don't pass the covenant by Feb. 2013, the Plantation will not be in existence as we know it. Everything will cease (security, amenities at the clubhouse etc.) If the city takes over, most likely the city will asks for a special assessment of ca. \$4,000.00/lot. according to Mr. Johnston.

The President addressed the Amy McLin's potential lawsuit as followed:

It took 24/hr. to settle this issue. We came to an agreement to pay \$8,500.00 for an outstanding balance. A homeowner was kind enough to lend us the money up front, so that payment to Mrs. McLin could be made in full. Board voted to cash in our CD of \$5,000.00 which in turn, was paid

in a lump sum to our lender. Feb's. payment of \$875.00 was made. Three more payments will follow. By May 1, 2012 this account will show 0 balance.

An unnamed gentleman asks about open house sign procedures. He asks the Mgr. for the rules, but couldn't get a satisfying answer. The board sets rules and Mgt. enforces the rules. Jim Woltz addressed this issue. Open House Signs, and for sale signs are the responsibility of the Realtor. Historically, the realtor will place the Open House signs the evening before Open House Sunday, which is the second Sunday of each month. This procedure has been adopted for many years. The rules on for sale signs have change; homeowners are allowed to keep the signs up at all times.

Mrs. Zapata 2707 Ashley Dr. is concerned about the weekend security. Security guards, especially on weekends don't pay any attention who is entering Plantation. They will motion by hand signal, just to go through.

President replied that the issue will be brought up with Mgt. and J.C. head of security.

I'm myself having noticed the infractions. It will be addressed and more attentions has to be given.

Roger Downing 2726 Ashley Dr.: He stated on Saturday night around 11-11:30 PM. He didn't even see a security person. Paul Smith reminded the people to report those incidents ASAP to Mgt. Don't wait with your grievances until the open meeting. Go straight to the office and file a report.

Mr. Zapata mentioned the issues had been addressed numerous times before. However, there is no consistency over a longer stretch of time. He also is concerned how our maintenance worker conduct their duties. It doesn't speak well of our reputation, it hurts.

Marge, Delta Dr.: Concerned of the length of time the automated arm stays up. People seem too follow a car which just used the opener. Also, she is afraid of getting hit by the arm.

Mr. Gonzalez 408 Rhett Dr. had some ideas about different ways of controlling access to Plantation. His biggest issues, previously addressed, are security manning their patrols. He and his family single handed were in pursued of an intruder. We should consider a comparison study of security personnel vs. electronic devices. Question was, who is coming into Plantation between 10:00 PM> and 4:00 AM. Homeowner's reply in quote "Drugs, illegal aliens, stash houses".

Roger Downing: Appointment of Zone Reps. In vacant zones. Response by President it's on next Tuesday's agenda.

Mr. Kanan's new office in question being in a residential area. President, the property belongs to someone else, and it's being addressed at this time  
Tim mailed out a regular letter, the second one will be certified, and after that it will go to the attorney.

Concerning empty lots, D'Wayne's estimation there are 27 lots. According to Mr. DeZiel, Kanan shuffles properties around his relatives, so it's hard to keep track. D'Wayne is not sure if this is legal. President, the board will bring it up with our attorney.

Joe Kiene: Question the sequence of the letters to be sent out. 1.) regular letter 2.) certified letter; both have a 10 day reply time. After that it will go to the attorney. Waiting period of 1<sup>st</sup> letter will be up by the end of this week according to the Mgr.

Mr. DeZiel advised us to check with the city for the ordinances of businesses in residential areas.

Owen Bohnsack: made the comment, we should use this point to pressure Mr. Kanan to pay all outstanding invoices from the ballroom rentals.

President explained in Oct. 2011 letters were mailed out, however, there was no follow-up with with a certified notice. To comply with the law, we have to start over again in sequence. I previously explained that point.

Owen Bohnsack was concerned about the ballroom invoices.

President's Response: The procedures are the same. We cannot lock the door on him. If he doesn't comply by the aforementioned procedures, than Mr. Cantu will take the issue in front of the court. Eva mentioned, when she still worked in the office, Tim and her worked out the reimbursement figures for the ballroom rentals. The charges are competitive with surrounding establishments. Mr. Kanan rejects everything.

Owen Bohnsack questioned the implementation of the recorded **prior** settlement. Why is Mr. Kanan not living up to the settlement.

Mrs. Garza: needed to be reminded that the old board started on the letter, however, no one followed up, so by law we have to start over again.

V.P. Response: we will start over, the past is the past, from now on we'll work on those issues. We are started already on the delinquent accounts on homeowners and Mr. Kanan. This is a new board and there is a process we have to adhere too. Please give us a little time, should we fail on anything, please let us know.

An unnamed gentleman asks to invite a commissioner of the city to explain how our taxes are being used.

The AEP account was more or less a rumor according to the Mgr.

Unnamed gentlemen: Amended covenant, if people are going home for the summer, will we be informed? President explained under the last amendment of the covenant Article IV section 4.4 was detrimental to every homeowner. The annual meeting, or a special meeting during the summer, could have resulted in an unexpected increase of our assessment fees. As stated, 60 percent of present homeowners during such special meetings could have resulted of passing the increases.

Jerry Bartoff: Paul Smith will have this on the agenda.

Norma Holiday Ashley Dr.: Suggested to change the Open Forum at the end of the board meeting. We can avoid repeating most of the questions, since they are on the agenda.

Mr. Zapata: thanked the activity committee for organizing the park clean-up.

The president thanked all the volunteers for their extraordinary work.

Open meeting closed at 7:30 PM. We will have a 5 minutes reset before going into the regular Board Meeting.

Board Meeting came to order at 7:38 PM.

Invocation given by D'Wayne DeZiel  
Followed by Pledge the Alliance

A.) The V.P. made the motion to approve the minutes, second by Eva-Maria Ellrich, vote carried.

B.) Activity chairperson Jean Baldock reviewed past, current and future activities to the board and homeowners. All planned events had been well received and it showed by the large numbers of attendance. Events will be advertised by info. placed at the Activity Center. Please attend the festivities.  
Linda asks when the next garage sale is scheduled. Jean referred Linda to the office.

C.) Tim O'Malley Mgr. presented a complete report on issues pertaining to the operation. Replacements of tiles in shower areas have been replaced by volunteers. Materials also had been donated. Black top was used up. We'll order more tonnage. Water leak under sidewalk repaired. City of Pharr repaired meter on Tara Dr. Maintenance crew fixed the rest of the lines to get water to the Termite room. Electrical repairs, new energy efficient light bulbs have been installed. Volunteers did a terrific job and needed to be commended for. Cost savings on electricity invoice of about \$125.00. This is a substantial amount. Tim explained procedures he would like to implement concerning the roads. Cable repair were needed. Advertisement on website, channel 9, to generate extra revenues. Employees random drug testing. All proposed letters will be approved. Requests on his report will be on our agenda 2-21-2012.

D.) Jose Espinosa gave us the financial report.  
He separated certain accounts from the operating account.  
Pre-paid accounts are separated by 3-6 month plus yearly account.  
President asked Jose if he separated the reserve fund yet. He is waiting for our decision what percentage rate he can transfer.

E.) Security report non available. J.C. was absent due to a test he had to take.

F.) No Treasurer report. President resigned as Treasurer. At this time the position is vacant. The board decided to forgo with a treasurer right now, however, I personally prefer that a treasurer be installed at a later date.

**Old Business:** 1. Ms. McLin's lawsuit was extensively explained during the open forum.

2.) Segment Architectural Committee will appear under New business.

- 3.) Approved the increase of ½ hr. of the open forum.
- 4.) New contract signed by Tim for a new supplier of electricity (Ambit)  
A last minute adjustment on the kw/hr. was given to us,  
from 0.051. to 0.048./per kw/hr. (substantial savings)
- 5.) Accepted Nelda Sims-Oliva resignation as Secretary and the AT-Large  
position NO. 2.  
Graciela Martinez will step into this position since she was the Alternate.
- 6.) The board accepted the resignation of Mr. Javier Mejia as President and  
as Zone 4 Rep. We had no Alternate for this zone, therefore Zone 4  
has no representation.
- 7.) Zone 7 the Alternate Marvin Smith also resigned. Previously Mrs. Patty  
Abbott resigned, therefore no representation in Zone 7.
- 8.) We adopted by vote to have an internal audit. D'Wayne requested on  
audit by a CPA. I concurred with him, however, John Albert believes  
this isn't necessary at this time. Our finances cannot justify the expenditure.  
However, in the future I recommend such an audit. John addressed the issue, he  
informed the homeowners, that he has 2 qualified persons at the Plantation who  
are willing to do the task.  
Mr. Arlie Reinwald a retired CPA and a former banker name isn't audible. John  
formed this Audit committee. He is still looking for a third person.  
I told him, that I approached Mr. Cy Gordon a while back and he was interested  
in helping out. I even forwarded the telephone number to John Albert.  
  
Mr. Gordon is a former CPA employee of the Anderson Group.
- 9.) The board passed a motion to proceed with an collection lawyer, should  
We get no results in any other way. The finance committee had a meeting  
With Mr. Watts a representative of the law firm of Wilson in Edinburg.  
Lisa Bologaiz set up the appointment. She took notes, which were presented  
to the board. The board however, decided to give a last try to mail out  
letters by Mgt. If we don't get any results we will hand it over to the collection  
lawyer. The contract will be a contingency basis with a 45% for the lawyer and  
55% for PHOA. They assured us they will use every avenue to satisfy us.  
The representative is also an investigator. John Albert mentioned that they will  
not charge us for any legal advice. Mr. DeZiel advised us to take a very good look  
at the law pertaining to any contingency plan. (bad audio)
- 10.) Paul Smith is the new chairperson of the covenant/by-law committee.

**Unfinished Business:**

- 1.) The deed issue is still unclear. Jose gave me the check to sign the property taxes. A few days later I checked each invoice and saw two description of street names unknown to me. 1.) South Cage Blvd. 2.) Chapa Dr. Jose went back to the office and was told they do belong to us. He would have to show proof of the deed if changes are in order. John Albert knows this as O'Hara. At one point they referred the street As. Chapa. I used caution, didn't want to pay for something which is not our responsibility. Mr. DeZiel also has no documentation. I found a Chapa Street in Pharr through Google-World, but it's not here at Plantation. Mr. DeZiel gave us some hints how to find out the status of each lot. The Appraisal office should have all the addresses were taxes are being sent too. According to D'Wayne we have been paying the taxes all along. He tried to make changes unfortunately, unsuccessful. WE MUST PERSUE THIS.
  
- 2.) Paul Smith's presentation about the covenants:

Paul asked the members of his committee to stand and identify themselves. Gloria Coers, she is much honored to serve. Joe Kiene on 600 Tara Dr., Earl Holiday Ashley Dr., Jerry Bottorff 2630 Atlanta Crt., Roger Downing 2726 Ashley Dr., Robert Hummel Plantation Dr.. He requested that Paul Smith is taking over the chair person for this committee. He had been so overwhelmed with other responsibilities, was glad to hand it over to Paul, especially since Paul is doing a wonderful job. Roger praised Paul for being such a good leader. The committee wrote up the original proposal, which Art Cantu checked. He made some changes and Paul felt they had a good meeting. At this point we have not received the final okay from our attorney. We intent to move very aggressive on the covenant. We will have Zone meeting where we can explain to the homeowners in person and emphasize the importance of passing the covenant. The committees members will be present at the zone meeting so they can stress the issues. A cover letter is being composed telling the homeowners in English and Spanish the importance, and what the consequences could be. In conjunction of zone meeting we'll asks people to volunteer and hand out the info.from door to door, just like we have done previously. Mexican Nationals will be informed by Spanish speaking board members and maybe some volunteers. One paper will be the Amendment, a ballot sheet and a cover letter. We still have to check on the correct percentage rate for amendments. It could be 67%, but we will check with Art Cantu. The committee will present it to the board after we receive the seal of approval from our attorney. If everything is ready to go, we will place everything on Channel 9, the website and the bullion board. D'Wayne, can voting take place per e-mail? This issue has not come up yet. You all will be informed. V.P. spoke of the by-laws, Paul is more concerned about the covenant right now. President, even if we don't pass by 60% we still have a shot at a later day,

however, this will be much more difficult.

We have to stress what could happen if we don't pass the covenant.

- a.) No collection of assessment fees
- b.) No road repairs
- c.) No gated community
- d.) No security
- e.) No Rec Center access etc.
- f.) If people realize what they give up, our approach of passing the covenant
- g.) Should have a great impact.

3.) They issue of the audit has been explained prior.

**New Business:**

- 1.) The architectural committee: This is a very important committee with quite some responsibilities. Forming the committee alleviates time spend by Tim in order to keep this part of the operation fluent.  
We have several nominations: Owen Bohnsack, Zeff Mendoza (not present) Roger Downing, Ramon Martinez, Jim Keltner withdrew his name.  
Audio is not clear, who made the motion at first. However, Paul ask Bob to make the motion, audio again unclear who second the motion. However, I could hear vote carried.  
If an amendment is needed due to in auditable voices, we'll follow up.  
Owen accepted the position. Owen will study the books first, than he makes his selection on the rest of members.
- 2.) The board voted on 2-11-2012 on the President position. Eva-Maria Ellrich was nominated for this position. Rosie Ayala made the motion, second by Gloria Coers, vote carried (5 yes) (1 vote abstaining).

**Announcements**

**Next meeting will be our Annual Meeting on March, 10. 2012 at 9:00 AM.**

President adjourned the meeting at 8:35 PM

Plantation Homeowners Association  
600 Plantation Drive  
Pharr, Texas 78577

February 13, 2012

Regular Monthly Homeowner's Board meeting.

The Meeting was called to order by President Eva-Maria Ellrich at 8:30 pm

Invocation given by D'Wayne DeZiel  
Followed by the Pledge of Allegiance

Approval of Minutes:

Vice President Robert Hummel made a motion to accept the minutes as written  
President Eva-Maria Ellrich seconded, motion carried.

Financial Report: No Treasurers report was given at this time as we do not currently have a Treasurer. The Financial report will be given by the Financial Committee .

Manager Tim O'Malley gave a report on the volunteers that have worked on the electrical repairs, repairs to a Water Leak, repairs done in the pool area. Also, work being done pertaining to the showers. Material and labor was donated. A new contract with the Aim Electric Company was signed by the Manager. They have lowered the kw/hr. for us below 0.5 for a one year contract. The operation Definitely is benefitting.

Joe Espesino reported on the Loss and Profit statement for January 30.2012.

Eva Ellrich informed the homeowners of the required Reserve Fund. The Tx. Law doesn't call for a 20 percent reserve fund, but a 10 percent will be adhered too. She stated, the 10% will be made available for this fund.

President Eva-Maria Ellrich reported that the empty zones will be filled, hopefully at the next Board Meeting. Vice President Robert Hummel stated that there is a new Texas Law that will allow us to appoint replacements to the empty zones. (HB2761)

John Albert chairperson for the financial committee reported, that he has two Gentlemen within the park that will do the internal Audit as was requested.

The procedure used to collect past due assessments: Letters stating amount due are send out. If there is non-response after 10 working days a second (certified letter) will be mailed out again. After that all those accounts will be handed over to Collection Law firm.

The board already approved those steps.

Paul Smith chairperson for the Covenants & by laws committee gave a report on the needed changes to the covenants and the results so far.

#### New Business

The open forum time slot was extended to one hour due to requests from the homeowners so there would be more time for discussions.

Nomination for the Architectural Committee were announced: Owen Bohnsack, Zeff Mendoza, Roger Downing, Jim Keltner and Ramon Martinez, Jim Keltner asked to be removed from the nomination. The board made a motion to nominate Owen Bohnsack for committee chair person. The president made the motion, second by Robert Hummel motion carried unanimously.

There was a discussion on obtaining deeds for the property which we are paying taxes on. It was stated there was some problems with the Hidalgo tax office so We couldn't do anything at this time.

Our Annual meeting will be on March, 10. 2012 at 9:00 AM.

The meeting adjourned at 8:30 pm.

Respectfully submitted

Linda Downing/zone 2 Alternate  
Substitute Secretary

Plantation Homeowners meeting  
Open Forum of February 13, 2012

The open forum opened with D'wayne DeZiel asking questions on the following issues.

1. the lawsuit from Amy McClain.
2. Who is the Architecture committee is there a report?
3. What are the contracts being signed
4. Are we filling the empty zones
5. Where are the minutes from all the board meetings
6. where are the prior notices of board meetings
7. There is a cmi information report that all board members should read pertaining to their positions.

Robert Hummell, vice-president stated the homeowners rights # hp276 on open and private meetings & procedures. President Eva Ellrich also replied on this subject On items concerning minutes being posted, and prior notices of meetings were address by president Eva Ellrich.

Owen Bonsack asked what was being done to get Mr. Kanon to pay up on what he owes us such has his part of the bills from him renting the hall , and past bills he owes us. President Eva Ellrich commented that letters have been sent. procedures are being followed. there was also a discussion on Kanon doing business on 413 Rhett drive. Also with letters being sent.

Dave Johnson asked what was being done to repair the streets and what was the status of the Law suits. Made a comment on the low value of the homes. president Eva Ellrich, and board member, Felix Carrizales replied to these issues.

A brief discussion on the security Gate. comments were made to open the gate to the City of Pharr .It was further discussed that would be a big mistake results was not answer the to the problem. a home owner suggested we close the gate at night It Was commented the security problems do need to be discussed.

The street repairs were a big discussion, with suggestions on how to remedy the problems and board should address this

Discussion on the renewing of the covenants a 67%votes for it would be required. Our by laws state 60 percent.there was futher discussion on this Chairperson, Paul Smith will further report on this issue

Earl Holiday asked what was being done to replace zones representative in the empty Zones

A new Texas Law stated that the board can fill these empty zones and that will be done.

Rick Moss suggested that the board invite the City commissioners to one of our meetings to answer what they are providing us for our Tax Dollars we are paying.

Open Forum was closed at 7:30pm to continue with the board meeting.