



**Board Meeting Minutes
June 18, 2016
Orchard House
4599 Shepherdstown Road
Martinsburg WV 25404**

Board Members: Anne Kask, President, Crystal Lake
Nance Briscoe, Vice President, Cloverdale
Phyllis Smock, Secretary, Stonebridge
RosaLee Riggins, Treasurer, Ashton Forest

Other Attendees: Bob Ayrer, Spring Mills; James Bell, Duchess Estates; Eric Bell, Stonebridge POA; Cherie Burnham, Glenwood Forest; Michael Carroll, Rattlesnake Run; Joyce Cutlip, Fish Hook Lane Cluster; Cherie DeSpain, Glenwood Forest; John Gleason, Cacapon Highlands POA; Merry Johnston, Cacapon Highlands POA; Terry Linn, Cacapon Highlands POA; Blaine Lytle, RiverView; Terry McSweeney, Apple Knolls; Suzanne Malesic, Patrick Henry Estates; Keryn Newman, Leisure Acres; Nick Pond, Sleepy Creek Orchard; Peg Pond, Sleepy Creek Orchard; Theresa Rush, Dogwood Manor; Kathy Sanders, Dogwood Manor; Frank Stottlemeyer, Apple Knolls; Tina Stottlemeyer, Apple Knolls; Ken Snyder, Apple Knolls HOA; Jim Spears, Crossing on Potomac; Marie-Jeanne Verhassel, Black Bear Resort; John Youngblood, Chesley Estates; Patience Wait, Leisure Acres.

Note: This document is provided solely for informational purposes, and no one should rely on it as legal advice. You are strongly encouraged to consult a qualified attorney for advice on any particular situation.

Business Meeting: Anne Kask called the meeting to order at 9:05 am

Approval of Minutes: RosaLee Riggins moved to accept the May 18, 2016 minutes with the correction of the spelling of Ted Schlitz name under New Business. Nance Briscoe seconded motion to approve minutes as corrected. Motion passed without objection.

Treasurer's Report: RosaLee Riggins read the Treasurer report from May 19, 2016 through June 18, 2016:

Previous Balance:	\$8,852.29
Expenses:	
Hostgator for epohoa.org domain name	\$ 15.00
Trinity United Methodist Church for 3 rd quarter Rental of Orchard House	\$ 300.00
Total Expenses	<u>\$ 315.00</u>
Checking Account Balance as of June 18, 2016	\$ 8,537.29

Phyllis Smock moved to accept the Treasurer's Report as presented. Nance Briscoe seconded. Motion passed without objection.

Membership Report: Nance will have a printed report to present next month.

Nance reminded everyone in attendance that annual reports to maintain non-profit incorporation status as a functioning HOA are due no later than June 30, 2016 in the West Virginia Secretary of State's office. The report form is available online with the WV Sec. of State's office.

Old Business:

Nance reported she spoke to David Stiles, Attorney for the State Tax Commissioner for West Virginia. West Virginia Legislature has not passed a budget for this year, so the matters regarding taxing common areas and sale of lots at auction within an HOA are on hold. Mr. Stiles reported he contacted Larry Hess, Berkeley County Tax Assessor, and Mr. Hess's response was that these matters were done before he was elected Tax Assessor, so he cannot do anything until otherwise instructed. Berkeley County is the only county in West Virginia selling lots within HOAs on the auction block. Berkeley County does not check for the transfer deed of common areas before putting lots up for sale. Mr. Hess did make an announcement reported in The Journal, that common areas would not be taxed in 2015, but some HOAs continue to get a tax bill.

Angie Banks, Jefferson County Tax Assessor, has removed HOA common areas properties appearing on the Jefferson County tax auction listing.

Members of HOAs can check the status of tax auctions by county on the EPOHOA website at:

<http://epohoa.org/public-database-2/property-tax/>

or the direct link at:

<http://www.wvsao.gov/countycollections/delinquentlandsearch.aspx>

for any properties that might be up for auction in their HOA and oppose the sale.

New Business:

Election:

The election of one 3-year term Director must be an EPOHOA HOA Member in good standing with the Organization and their own HOA.

Terry McSweeney reported the Nomination Committee received 4 nominations, but three persons declined to be nominated and one person accepted the nomination.

There were no other nominations made from the floor.

There was one renewal of an HOA received at the meeting. Nance passed out ballots to all members in good standing attending the meeting. She reported 16 members in attendance out of 50 members in good standing.

Anne Kask appointed two volunteers, Terry Linn and Joyce Cutlip to collect and count the ballots.

Anne Kask announced the results of the election. Sixteen ballots were turned in and Bob Ayer was elected by unanimous consent.

Bob Ayer stood to accept the 3-year term on the Board of Directors.

Also Anne Kask was acknowledged for her term of service on the Board.

Adjourn Business Section: Phyllis moved to adjourn the business section.

RosaLee seconded. Motion passed.

Education Session:

Anne Kask introduced Ms. Tammy McWilliams, Attorney at Law of the Law firm Trump & Trump, L.C. who presented:

“Delinquent HOA Annual Assessments—Rules, Laws & Guidelines”

Ms. McWilliams’ education session will be available at

<http://epohoa.org/meetings-2/education/seminars/>

Open Forum:

*Discussion of requirement of a homeowner to provide Resale Certificate which includes all information regarding Covenants, ByLaws, etc. to buyer. Some HOAs do provide this information, some realtors provide it and closing attorneys reference the material in a document called a Planned Unit Development (PUD) which the buyer simply is agreeing to abide by the rules and pay the assessments.

The Dodd- Frank Law requires HOA disclosure of the current financial statement for a buyer. It is also graded for the HOA to receive a rating. The WV requirements for a resale certificate can be found at:

<http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=36b&art=4§ion=109>

Seller (the homeowner) pays a nominal fee to their HOA for preparation of the Resale Certificate. Announcements:

The draft of the Berkeley County Comprehensive Plan will be presented in a Public Hearing on July 5. <http://berkeleywv.org/ComprehensivePlan/>

Berkeley County Planning Commission will also be reviewing sub-division ordinances for decks added to homes. Mike Thompson will be presenting this issue to the County Council on June 23 and asking for a public hearing on Aug. 4th.

**Next Scheduled EPOHOA Meeting
July 13, 2016 – 7 PM
The Orchard House 4599 Shepherdstown Road
Martinsburg WV 25404**