

# Shaker Farms Condominiums

## Board Meeting

*Monday, August 8, 2011*

*Board Members in Attendance:* Liz Ray, Barbie Abbott, Mary McCoy, Cathy Hayes, Bob Wilbourn

*Special Guest:* Dennis Stilger, Attorney at Law

*Location:* Barbie Abbott's condo

*Time:* 6:30pm

The meeting was called to order.

The Board brought in our attorney, Mr. Dennis Stilger to review our legal situation relative to our Master Deed, Bylaws, and unpaid condo fees.

Mr. Stilger confirmed the Board's allegation that our Master Deed is in conflict with the ***Kentucky Horizontal Property Law***, and he stated it should be in compliance with State Law, particularly regarding ***Unit Boundries (Section 381.9127)*** and ***Assessments For Common Expenses (section 381.9191)***. He provided copies of the new law, which went into effect January 1, 2011.

Mr. Stilger advised that he would prepare an Amendment to our Master Deed to correct our deficiencies. We then must obtain a vote of 75% community approval, and then we must have the document recorded at the County Clerks office.

If we had a fire or earthquake, resulting in a loss of a building, we would have serious difficulty collecting because our Master Deed misrepresents the building as a unit. Our insurance carrier (Mr. Bob Dethridge – Community Association Underwriters) has already stated that they would be unable to pay as a result of this error, and has also stated that without the corrections, total reconstruction would not be possible as the Master Deed currently reads.

The new law protects condo owners from such a situation, and without the approved Amendment, our insurance is in jeopardy.

We are also missing ***Master Deed Amendments 1 through 5***, which Mr. Stilger will go to the County Clerks Office, locate, copy and provide the Board with copies; as they were initiated in 1974, they are not on the computer system.

We reviewed our delinquent condo fees with Attorney Stilger, who advised that anyone in arrears, not in compliance with agreements or court orders must be dealt with in the court system, and that foreclosures are in order.

The issue of unit owners not allowing contractors into units to install insurance required safety vent systems was discussed with our attorney. He advised the Board that these people are in violation of both Kentucky law and state insurance requirements and should be visited with police if necessary to fulfill our legal obligations to the community. A court order might be required, and all court expenses and legal fees would be filed against the condo owner, which could amount of hundreds of dollars; however, this must be done, and will be done. A non-response to letters requesting information from unit owners will be treated as a refusal, and the court process will begin.

The Board also discussed a long pending lawsuit filed against the Association, with the attorney, who provided a favorable report. He admonished the Board to maintain control of all documentation regarding this case.

Mr. Stilger left the meeting.

Shaker Farms is now in compliance with FHA requirements for maintaining a Reserve Fund, which now has \$7,737.94, to be used only for emergencies; our goal is to maintain a minimum balance of \$25,000.00, once that amount is achieved.

There will be an assessment in the near future, based upon which project is chosen to be completed next, which will amount to one months maintenance fee (\$155.00), payable over three months. This will be discussed at our October general meeting in greater detail.

The issue of dog waste was again discussed, and we have reports of the same people failing to pick up after their animals, littering the property with feces. A fine system was reviewed and will be pursued at a later time.

Bob Wilbourn read a letter written to Metro Councilman Glen Stuckel, requesting a review of Charter Oaks drive, stating the need for sidewalks for the safety of the school children currently walking in the street to and from the bus stop at Chamberlain Lane.

Dryer vents are a unit owner responsibility, and if not cleaned could cause a fire and could result in charges being filed in that event.

A drain will be installed on the downspouts at 3728-#1.

Stoop repair will be made at 3810-#3, and steps will be altered, as they are too high and have become an insurance liability issue.

Recently, there is a problem of mail being delivered to the wrong units. If anyone happens to get someone else's mail in your box, please call the Lyndon Post Office at 425-4547 each time it happens.

Elections are scheduled for the October 20, 2011 meeting, and anyone wishing to run for membership on the Board of Administrators, must submit a biography or resume to Sydney Lawson at Mulloy Properties by September 15. The Board voted to expand the board from 5 to 7 members, so more positions are available.

The next meeting is scheduled to be on Monday, September 12, at 6:30pm at Barbie's condo, 3726 #1.

Minutes submitted by:  
Cathy Hayes  
Secretary, Board of Administrators