

**MINUTES  
MOUNT HOLLY PRESERVE  
HOMEOWNERS MEETING**

**On September 24, 2004, a second meeting of the homeowners was held. There were sixteen homes represented on the meeting of the 10<sup>th</sup> and fourteen attending on this evening. The purpose of the meeting was to continue the debate about the formation of a homeowners' association (HOA). Several new families, not attending on the 10<sup>th</sup>, introduced themselves and were welcomed. Present also were two representatives from Bronco Excavating Co. (developers of Phase II); Joe Kulifay, President and Project Mgr., Randy Eckhart.**

**Several preliminary items were then discussed. One concerned the question at the last meeting about several versions of the Covenants and Restrictions (C & R) floating around. Apparently many homeowners, including this writer, have one version, which was given to them by their builder. This was never recorded and a later version, which added a clause about a homeowners' association, was adopted and recorded in 2000. The recorded version is the binding one and applies to all homeowners in Mount Holly Preserve. (If anyone still has concerns about the applicability to their property, you are encouraged to seek legal counsel for further guidance).**

**The Planned Unit Development (PUD) plat proposal, originally submitted by Nathaniel Development and approved by the Batavia Township Zoning Commission, encompasses both Phases I & II. Thus when Joe Allen (Nathaniel) pulled out and Bronco came in there were only minor adjustments submitted to Batavia Township to update any new changes to the further development of Phase II. Bronco did not acquire any lots in Phase I as previously may have been thought. In any respect, the C & R in Phase II is the same as Phase I.**

**Another concern voiced at the last meeting was the possibility that some homeowners may have "hidden agendas" or possibly some people would control the HOA causing bedlam and grief on everyone else. To allay these fears, suggested Bylaws were prepared and circulated since the meeting of the 10<sup>th</sup>. These Bylaws were intended to provide checks and balances on any officials guiding the HOA and emphasize the use of common sense in following the C & R.**

**The remaining issue centered on “do we really need to form an association” when volunteers can informally handle landscaping issues, safety concerns, etc. At this point, everyone was referred to the letter, dated October 10, 2001, from Batavia Township Zoning Development to Nathaniel Development Company (copy distributed at this meeting and attached herein). The letter reiterated the requirement of the establishment and organization of a HOA. The letter envisioned the delay by Allen to fulfill this requirement as possibly leading to “misunderstandings and misconceptions”. (The letter proved to be prophetic).**

**To continue this discussion, Mr. Kulifay was asked to come to the front of our group and provide his perspective on the HOA issue. Mr. Kulifay proceeded to cite not only the legal requirements of establishing the HOA, but also provided the positive aspects of having self-determination of homeowners in their community. He related his own personal experiences as a trustee in his HOA. Kulifay also fielded a number of questions from the homeowners about what was happening in Phase II.**

**The general consensus following Mr. Kulifay’s discussion among the homeowners present concluded that a HOA must be established and that a slate of candidates should be prepared. A formal meeting and election of officials would then take place on Friday, October 22, 2004, at 7:30 pm.**

**Chuck Agricola was directed to prepare the minutes for the evening and to initiate the nomination process and ready the meeting for the election on October 22. Chuck requested that those interested in serving as an official of the Mount Holly Preserve HOA should sign a sheet prior to leaving the meeting. Additionally, anyone else interested in serving should place his/her name, address and phone number in a “drop box” which will be at Scott & Candace’s neighborhood party on October 9<sup>th</sup>, 5:00 pm, 3459 Winter Holly. Meeting adjourned.**

**Submitted**

**9/24/04**

**Chuck Agricola**