

# PDS POA NEWSLETTER

Pueblo del Sol Village 1 Property Owners' Association

P.O. Box 1551 Sierra Vista AZ 85636-1551

PDSPOA.COM

October 2014

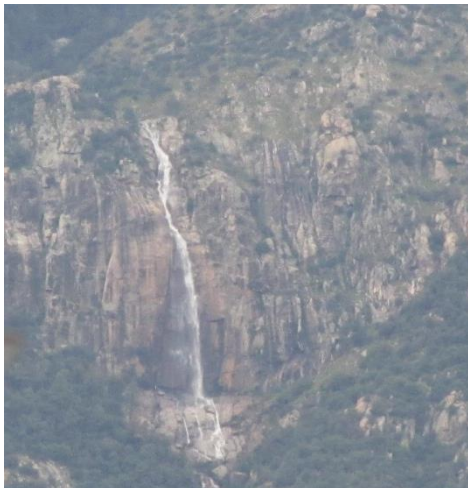
## NAME THIS NEWSLETTER

As you can see, this first issue of the PDSPOA newsletter does not have a name. The Newsletter Committee is asking Pueblo del Sol members to send in their suggestions for a name. PDSPOA Board director, Shawn Braddock, has donated a \$20 gift

certificate to a restaurant to be awarded to the member submitting the winning entry.

Please send your suggestion to Lorna Sills at [madogtoys@mac.com](mailto:madogtoys@mac.com). The submission deadline is October 25, 2014. In case of duplicate entries, the first one received will be judged.

## WATER, WATER, EVERYWHERE



Can you identify these locations? Send your answers to Gabrielle LaFargue at: [gjlafargue@gmail.com](mailto:gjlafargue@gmail.com)

## **BOARD OF DIRECTORS**

Roxanna McGinnis - President	(406) 214-7339	<a href="mailto:president@pdsboa.com">president@pdsboa.com</a>
Ron Murray - Vice President	(520) 378-0868	<a href="mailto:vicepresident@pdsboa.com">vicepresident@pdsboa.com</a>
Ted Pahle - Treasurer	(520) 803-7398	<a href="mailto:treasurer@pdsboa.com">treasurer@pdsboa.com</a>
John Avila -	(520) 803-1522	<a href="mailto:director1@pdsboa.com">director1@pdsboa.com</a>
Shawn Braddock -	(831) 595-5727	<a href="mailto:shawnbraddock@me.com">shawnbraddock@me.com</a>

## **PDS POA OFFICERS**

President	Roxanna McGinnis	(406) 214-7339	<a href="mailto:president@pdsboa.com">president@pdsboa.com</a>
Vice President	Ron Murray	(520) 378-0868	<a href="mailto:vicepresident@pdsboa.com">vicepresident@pdsboa.com</a>
Treasurer	Ted Pahle	(520) 803-7398	<a href="mailto:treasurer@pdsboa.com">treasurer@pdsboa.com</a>
Secretary			

### **OUR FIRST NEWSLETTER**

An artist may view a blank canvas as an opportunity to express his/her perceptions and visions. The newsletter committee believes this periodical affords the membership a similar opportunity to become creatively involved in this wholly volunteer enterprise, our Pueblo Del Sol Property Owners' Association Village One.

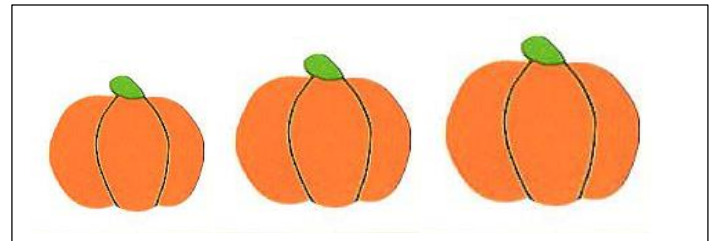
Via this palette we will publish local news, events, correspondence to this newsletter, opinion articles, and human interest pieces. To enhance the furtherance of our homeowners' association, we encourage items that advance the understanding of, and participation with, PDSPOA.

Your thoughts, opinions, and involvement are essential in the production of a truly eclectic publication.

Submission Requirements to this newsletter:

- Maximum 400 words.
- Send by email to:  
[Editorpdsboa@gmail.com](mailto:Editorpdsboa@gmail.com).
- Include name, home address and phone number.
- The BOD will decide if submissions warrant a response, and will attempt to publish their comments in the same issue.
- Submissions may be edited as required.
- Due dates for newsletter submissions will be e-mailed to the membership on a timely basis.

This first PDSPOA newsletter is being distributed to all owners by both USPS mail, and by e-mail to those who have provided us with an e-mail address. We will make paper copies available at the PDSPOA office pick-up box by the Fry Firehouse on Yaqui St. Future newsletters will only be sent by e-mail. Only those owners who have not provided us with e-mail addresses will receive future editions by USPS mail.



### **SECRETARY NEEDED**

Your Property Owners' Association Board of Directors is asking for a volunteer to be our Recording and Corresponding Secretary.

The main duties include, but are not limited to, attending the monthly meetings of the Board of Directors and Officers, and to write a summary of the proceedings prior to be presented to the Board.

The Secretary may also be requested to prepare correspondence to parties outside of the Association. If you are able to contribute in this capacity, please send your name to: [Editorpdsboa@gmail.com](mailto:Editorpdsboa@gmail.com)

## ABOUT OUR ASSOCIATION'S ATTORNEYS

- by John Avila

Our community association retains an attorney who specializes in community association law. Attorneys serve associations in several important ways that protect and enhance each member's assets. Our association attorney does not represent individual board members or individual members of the association. He represents the corporate entity. He provides legal opinions and offers advice on all legal matters pertaining to the association. He can be called upon to review our governing documents, rules proposed by the board, and contracts with service providers. He may be called upon to attend meetings to answer questions, explain concepts or documents, and provide information to homeowners. Sources: The Community Association Institute (CAI).

and members. He acts to collect delinquent assessments, writes and sends routine demand letters, files liens, processes foreclosures, and litigates as necessary. He enforces deed restrictions (violations of our CC&Rs) by writing and sending demand letters, filing lawsuits, and litigating if necessary. Our attorney acts to defend the Board. In our case, the President of the association is the designated contact person, or legal liaison, between the association and the attorney. The President serves to facilitate communication between the BOD and the attorney. Communication between the BOD and legal counsel is confidential.

## PDS POA FINANCIAL TIDBITS

- by Ted Pahle

This year's response to the Annual Assessment has been excellent. We only have 13 properties that have not yet paid as of Sept 19th. Only 23 Late Fees of \$15.00 have been assessed compared to last year's 49. Far better than all my previous years as Treasurer.

The Board of Directors works diligently to use your annual assessments to cover the necessary costs to effectively operate your POA, maintain the common areas, acquire insurance, and cover various other costs. The PDS POA Annual Budget is available upon request as is each monthly Treasurer Report. You can easily monitor how your money is being spent. You can also participate in preparing the budget each April when we announce the Budget Committee sessions.

As a non-profit corporation we are obligated by statutes and federal IRS regulations to only collect the amount we need to pay all our bills for the year. Any excess (unspent) funds remaining at the end of the fiscal year must either be equally returned to each

owner or applied to the coming year. This would help reduce the per-lot annual assessment for the coming year. Simply stated we cannot accumulate funds from year to year simply to have them around for a rainy day. On June 2013 there was an "excess" of about \$6,100 dollars and on June 2014 there was an "excess" of \$5,800 dollars that is gradually being reduced by annual escalating costs. Some years ago this "excess" was as high as \$22,000 but our costs have been greater than our income for some years. It is projected that the increasing cost of our operating expenses will cause the "excess" to disappear entirely within the next couple of years. At that point we will need to exceed the \$50 limit of annual assessment per HOA member. Unfortunately, our ability to reduce costs to operate the Association is very limited as we are already at minimum expenditures. When the time comes, only you as members can authorize an increase above this \$50 limit by a vote of 2/3."

Questions? Contact: Ted Pahle, Treasurer, (520) 803-7398 or treasurer@pdsboa.com

## DEED RESTRICTIONS VS. CITY & COUNTY ORDINANCES:

### WHICH PREVAILS?

- by Sam Schechter

Some folks in our community promote an incorrect view that Cochise County ordinances trump our association's CC&Rs (Covenants, Conditions, & Restrictions). Bear in mind the purpose of the PDSPOA is to enhance and perfect the value, desirability, and attractiveness of our community. The following is a synopsis of an opinion published by our Association's attorneys, Carpenter and Hazelwood.

When a CC&R provision and a County ordinance both restrict a given use or activity, both provisions are enforceable by the respective entity. However, the **more restrictive** provision prevails.

For example, a local ordinance may require that trash containers be stored, between collection days, on the user's property so as not to interfere with pedestrian and vehicular traffic. If an association's CC&Rs require the trash container to be stored in the rear yard so as not to be visible from a neighboring property, the CC&R provision would establish the permitted use as it is more restrictive than the local ordinance. The property owner could not defend this CC&R violation by saying, "the city does not care about visibility."

In sum, if there is a conflict between the association's CC&Rs and a city or county ordinance, the more restrictive provision will govern.

## PDSPOA FALLS VICTIM TO INTERNET FRAUD

- by Ted Pahle

We have all read about the millions of people that have fallen victim to internet fraud and we all say, "I'm too smart to fall for that scheme". The bad news is that as we all get smarter, the bad guys are getting even smarter so we remain as vulnerable as ever. The PDS POA recently suffered a financial loss to such a scheme.

In November 2013 a scammer somehow gained access to the identity of our internet service provider and initiated an email to the POA pretending to be our internet service provider and stated that the renewal period for our service was approaching.

They were offering some money saving opportunities. Instead of paying for two years at a time, we could acquire a 4 or 5 year renewal at a much reduced cost. Unaware this was a scam, the POA accepted the offer and paid the 5-year cost (\$450.00). Everything was apparently OK until we

recently received the regular two-year renewal invoice from the actual internet service provider. After contacting them, it was determined that they did not have such a five-year offer and that our POA account had never been credited with the \$450.00. It became obvious we had been scammed. Unfortunately, our Bank will only protect us from losses if reported within 60 days of the fraudulent event; we have no recourse but to submit a claim to our insurance company under our existing policy for such losses.

We are sharing this story to both inform you of what happened to the POA and to make you aware that internet fraud comes unexpectedly from all directions with significant credibility to deceive anyone. Please remain alert to this ever-present threat.

# FALL LEAVES AFTER LEAVES FALL

## PDS POA COMMITTEES

- CC&R Compliance	Ron Murray Bob Gollwitzer		
- CCR rewrite (Temporary)	Ted Pahle John Avila	<a href="mailto:treasurer@pdsboa.com">treasurer@pdsboa.com</a> <a href="mailto:director1@pdsboa.com">director1@pdsboa.com</a>	(520) 803-7398 (520) 803-1522
- Common Grounds Maintenance	Lorna Sills Jamie Braddock Ursula Hollis Allan Williams	<a href="mailto:madogtoys@mac.com">madogtoys@mac.com</a>	(520) 227-5046
- ECC (Structural)	Ron Murray Bob Gollwitzer		
ECC (Non-Structural)	Bob Gollwitzer		
- Election	Erescene Stokes – Chair Sharon Abrams Dale Chidester Linda Langner Donna Reynolds Lorna Sills	<a href="mailto:erescene@cox.net">erescene@cox.net</a>     <a href="mailto:madogtoys@mac.com">madogtoys@mac.com</a>	(520) 378-3149     (520) 227-5046
- Highway Clean up	Bill Hagerl Scott Weiss		
- Newsletter	Ted Pahle – Board Liaison Cathy Avila Peter Dodge Gabrielle LaFargue Sam Schechter Lorna Sills Erescene Stokes	<a href="mailto:treasurer@pdsboa.com">treasurer@pdsboa.com</a> <a href="mailto:cathyavila119@gmail.com">cathyavila119@gmail.com</a> <a href="mailto:pdodge@cox.net">pdodge@cox.net</a> <a href="mailto:gjlafargue@gmail.com">gjlafargue@gmail.com</a> <a href="mailto:sgschechter@gmail.com">sgschechter@gmail.com</a> <a href="mailto:madogtoys@mac.com">madogtoys@mac.com</a> <a href="mailto:erescene@cox.net">erescene@cox.net</a>	(520) 803-7398 (520) 803-1522 (520) 378-1905 (520) 335-6877 (520) 335-6977 (520) 227-5046 (520) 378-3149
- Property Transfers	Ted Pahle James Wilson	<a href="mailto:treasurer@pdsboa.com">treasurer@pdsboa.com</a>	(520) 803-7398
- Welcome	James Wilson		





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