

PERSONAL

July 24, 2013

Dear Neighbors,

I want you to know what I, as Fleetwood president and my fellow board members/directors have been dealing with and spending many hours on during the last month. The following petitions were submitted to me, #1 on June 25 in the first rendition and later reworked to present to the board on July 10, prior to the 2:00 pm Board Meeting. I want to thank the petitioners for their queries. Some of these issues definitely have merit and I immediately began working to resolve them. A few residents have been rather petulant in requiring immediate action, however, I have chosen to react with careful regard to the sensibility of all those concerned. So my answer to the petulant ones is that their request would be addressed at the next board meeting. To me that is an answer – as long as the issue does not present a danger to any person or to our property it can take time. Most of the issues raised relate to the appearance of the grounds, and this is an important concern for all of us.

There have been many e-mails, phone calls and private meetings floating around between residents that blow such matters way out of proportion. Even worse, these internal Fleetwood issues have been discussed among non-Fleetwood residents living elsewhere in town. How do I know? Because a number of people have asked me what is going on up at Fleetwood. You can appreciate the impropriety of such harmful tongue wagging. The proper action to take is to address these issues with your offending neighbor. If this fails then bring these matters to the board. Moving forward with a positive spirit, I would encourage anyone with a concern to use the website system that has been set up. It will allow the Board to fully and fairly review and respond."

Some of these issues have merit and are or have been in the process of being resolved. But most are matters of taste and are not Red Book issues. I ask you neighbors to look at the list and ask yourselves why your board, which has enough important things to consider, should spend so much time investigating and deliberating petty matters. We as a board have been asked why we're not out policing the area for indiscretions. Well, my answer is that I did not agree to serve on the board to be a policeman. If a matter is brought to my attention I'll address it, but I don't go around probing and making lists like some residents do. And most items that cause them irritation are only so in the eye of the beholder. They cannot be based on the Red Book. I have handled several issues raised in the petition – and I have done so, not by sending a registered letter informing the neighbor that he/she will be fined \$100 per day if not in compliance. Instead I choose the personal approach of appealing to one's rational sense, and in most cases have achieved a mediated agreement.

My way of dealing with disagreements between neighbors and handling issues is to take a neighborly approach and visit the person(s) involved, to rationally and calmly discuss the issue and try to bring about a compassionate and peaceful resolution. That is not always possible, but most of the time it is. When no resolution can be found we must rely on the force of the Red Book to bring about compliance. I don't like to do that, and I'm sure that none of you do either, but sometimes it is necessary.

We, as a team who represent the interests of Fleetwood are all volunteers. We receive no pay, and put in much time to see that our regime is responsibly kept up. But to devote considerable attention to what may be considered as trivial matters makes our work so much more demanding

than it should be. Perhaps it is time to contract with a management company that could deal with your complaints in a dispassionate manner, without regarding your personal matters, state of health and mobility. Of course that would considerably raise the cost to each unit, but at least you wouldn't have to send irritable e-mails to us, and instead direct them to an impersonal manager.

Please read carefully over the list of grievances, their proposed reasoning, and then the board's response. You should know how we react to all of these items.

Sincerely,

Sandy Marcus  
President, Fleetwood Plaza Regime

5.) a. **Open Book Requirement:**

The Board should have an open book requirement when Members request an opportunity to read past minutes, contracts, bids and financial

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Signatories of the June 25, 2013 document.

6.) **Fair**

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Most content was incorporated into the July 10, 2013 document.

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Please respond to these issues. When issues such as these are unresolved it promotes ill will in the Community. We solicit your help to prevent this from happening so that we all may enjoy the beauty and community harmony at Fleetwood Plaza.

We anticipate a timely response.

Sincerely,

Mike & Carol Abarcumell

Mike Michalski  
Boya Whitman  
Jeanette Whitman  
Shirley Moore

Don Rosenberger

Norma Rosenberger

Jo Willyeth

Danny Hiltz

Patricia & Fred Jackson

Deborah Whitman

Jan Whitman

Ellen & Bob Fuld

Kathy Boland

Jan & Jan Trochok

Dick and Vera Wyne

Barbara + John Robinson

Marge Beer

# Additional signatories to the July 10, 2013 document.

Tracy & Pauline Day  
by phone 7-6-13 (9w)

Debbie & Neil Nelson  
by phone 7-6-13 (9w)

Aune & Jack Halland  
Lynn & Steve Beck

Irene Guthrie  
by phone 7-7-13 (9w)

Phyllis G. Hardy

Jan & Linda Metz  
by phone 7-8-13 (9w)



**Legend: Original concerns as presented (black)**  
**Fleetwood Board response (green)**  
**The Red Book citations (red)**  
**North Carolina laws (blue)**

**General Board statement: Fleetwood is not operated by outside professional management. This has the significant advantage of dramatically reducing our annual expenses. However, it does present its own, unique set of challenges when all matters and issues are dealt with by “neighbors and fellow residents” of the community.**

**Fleetwood is governed and operated by an elected, volunteer board where each member serves without compensation. This involves significant commitment of time, effort and emotional energy. While the Board, individually and collectively, is not perfect, the Board operates in good faith with the interests of our neighbors at heart. Not all owners will agree with all decisions, all the time. Never the less, it is hoped that a spirit of neighborliness and good-will will emanate to and from the Board.**

## **1. Lack of Red Book Rules Enforcement:**

**The Board has no desire, nor does not intend, to become a “police force”, actively and intentionally looking for reasons to confront our neighbors with violations. This is a heavy-handed approach that is not consistent with our values or the reasons we agreed to serve. At the same time, we acknowledge that the Board does, indeed, have an enforcement responsibility, unpopular as this role is.**

**The Board will address violations that it observes and/or are formally brought to its attention. The recently approved complaint process and form is available to all. However, while some provisions of The Red Book are clear, other provisions relate to matters that involve definition, degree, interpretation and common sense.**

**Further, Section 7.11 of The Red Book was only partially quoted further below. The complete citation is as follows. (Emphasis added.)**

Page 30 of The Red Book

Section 7.11 **Nuisances.** No nuisances shall be allowed upon the Condominium

Property and no person shall engage in any use, practice, or activity upon such property which is noxious, offensive, or a source of annoyance to unit owners or which reasonably interferes with the peaceful possession and proper use of the property by any unit owner.

**The Board, in its sole discretion, shall have the power and authority to decide what acts or actions constitute a nuisance.**

All parts of the property shall be kept in a clean and sanitary condition. No rubbish, refuse, or garbage shall be allowed to accumulate and no fire hazard shall be allowed to exist. Any unit owner (or his family, tenants, guests or agents) who shall dump or place any trash or debris upon any portion of the property shall be liable to the

Regime for the actual cost of removal thereof and the same shall be added to and become a part of the assessment next coming due to which the unit owner is subject.

- Satellite Dish, Unit 1201. Art. 7.12. Art. 15. FCC and OTARD rules.

**We believe we have been and are in compliance with the OTARD rules.**

- Art 7.7 "drying or airing of clothing, rugs...." activities that despoil the appearance of the property.

**As previously stated, this issue, and many others, is a matter of definition, degree and common sense. Example: Most would agree that a clothesline violates the spirit and intent of this provision. At the other end of the spectrum, we believe that most, not all, would agree that a towel placed on a deck chair on one's deck or a pair of gardening shoes, neatly tucked under a bench, does not constitute a violation.**

- Art. 7.11 Nuisance: source of annoyance: anything that interferes with peaceful possession: i. e.: Unit 501 owner disallows yard workers to maintain areas of common grounds, resulting in added costs when workers have to return to clean the offending area. Art. 5.5. Art.47-3-107.

**See previous Red Book statement (page 30) re "The Board, in its sole discretion, shall have the power and authority to decide what acts or actions constitute a nuisance."**

- Pets should be secured on a leash. Art. 7.8.

**Agree**

- Board's inability to clarify assigned parking areas. Art. 6. explained in 4.16: "lights turned on from inside a unit" determines the parking area's owner. (Also see taxes and original plans.)

**This is a past issue, not a current concern. Since this conflict initially appeared to be isolated, the past Board attempted a low-key neighborly approach. Several months later, when it became apparent that the neighborly approach was not working, the Board issued more definitive guidelines.**

- Board must be in compliance with the General Statutes of the Condominium Act, Chapter 47-C.

**Agree**

- Art. 19.5 If a conflict exists between the Red Book regulations and the State Statutes, the Statutes control.

**Agree**

- Any rule made by the Board shall not be in conflict with the Declarations (Covenants) or the By-Laws. Sec. 15 Covenants. Art. 16.1. Art. 7.16

**Agree**

- Concerns with respect to Dan Devine's level of authority. (Signing contracts on behalf of Fleetwood Condominiums.)

**This was a past issue, and to our knowledge, occurred only a few times. Regardless, the past Board resolved the issue and it does not exist today. All contracts are signed by a Board member or Committee chair.**

- **Rules as set forth in the Red Book can be changed only with a 67 2/3% vote of the membership and the registration of such changes must be recorded with Registrar of Deeds.**

**Agree**

**Recommendations:**

**It is recommended by this group of concerned owners that:**

1. **The Board become proactive with respect to the rules, not reactive.**

**Please see the “General Statement” as the top of this section, a portion of which follows. “The Board has no desire, nor does not intend, to become a “police force”, actively and intentionally looking for reasons to confront our neighbors with violations... “**

2. **The Board convene an "Architectural Committee" for delineating and "policing" Red Book standards.**

**The new Board (two months from now) can consider this suggestion. It is helpful to note that an Architectural Committee is one of only two Committees mentioned by name in The Red Book.**

From the Red Book (page 61)

Section 16. Architectural Standards. The Board **may** establish an **Architectural Standards Committee** for the purpose of establishing and maintaining architectural standards on Condominium property, as hereinafter provided.

Section 17. **Additional Committees.** The Board may establish such other committees as it deems desirable.

## **2. Question of closed meetings and unelected "officers" in attendance:**

Covenants Art. 3.16, North Carolina Statutes 47C-3-108 (b.) "Notice to be heard".

**The above statement is not complete and only quotes a portion of this section of the item quoted. The full citation is as follows (emphasis added):**

From The North Carolina Condo Act 47C-108

(b) Meetings of the executive board shall be held as provided in the bylaws. At regular intervals, the executive board meeting shall provide unit owners an opportunity **to attend a portion of an executive**



board meeting and to speak to the executive board about their issues and concerns. The executive board may place reasonable restrictions on the number of persons who speak on each side of an issue and may place reasonable time restrictions on persons who speak.

**In The Red Book, references to “opportunity to be heard” relate to instances where fines are levied on an owner. (Red Book, Section 16.2 “Fining Powers”, page 5)**

If an unelected "officer", or "vice-president", without a designated job description, is allowed to participate at executive Board meetings, then any member of the Fleetwood Association should attend as well.

In 2005-2006 the Board decided to have 3 vice-presidents. The rationale behind this decision was that these vice-presidents (chairs of committees) could advise the Board with respect to financial decisions and matters of concern with respect to specific areas, but not to discuss/advise on general issues.

**The Board electing its own officers is appropriate from at least three standpoints (The Red Book, Fleetwood precedent and common business practice.)**

**A. The Red Book: The Red Book is very clear, not ambiguous, about Board officers. There are, not one but, two (2) references in The Red Book relating to officers.**

The Red Book (page 61, emphasis added)

Article V -Section 1. Designation The officers of the Regime shall consist of a President, a Secretary a Treasurer, and such Vice-Presidents, Assistant Secretaries, Assistant Treasurers, **and other officers as the Board may from time to time elect.** Except for the President, no officer need be a member of the Board.

The Red Book (page 22)

Section 3.17 (Officer shall mean those individuals who are elected by the Board to serve as officers of the Association to include President, Vice President, Secretary, Treasurer **and such other support and offices as the Board may determine necessary.**

**B. Fleetwood precedent: Over the years, different Boards have exercised the above provisions in different ways. (All of them are equally valid and totally consistent with the Red Book.) Some Boards have chosen to only have three officers (a President, Secretary and Treasurer). Other Boards have chosen to use the rationale mentioned above (President, Secretary, Treasurer and three major Committee Chairs as Vice Presidents). Yet others have chosen to have three “at-large Vice Presidents to expand input. The current Board opted to have a single, “at-large” Vice President. The practices of various Boards have been diverse; all of them valid.**

**C. Common organizational practice: Simply stated, this is historic and current mainstream organizational practice throughout the country; i.e. “how it’s done”. The “members” of whatever type (owners, stockholders, congregants, school boards, etc.) elect a Board and then the Board elects its own officers.**

Secret meetings make transparency a hollow secret. For example, "Road Issue #2." A move to

have the Road Issue voted on for a second time was made in a closed meeting prior to any notice given to the membership. In an open meeting immediately following, the issue was not disclosed to the membership.

**A. There appears to be confusion between meetings of the BOARD and meetings of the MEMBERS. (See the clear distinctions in Red Book quotes below.)**

**B. There are no Red Book requirements, or even mention, of “open” BOARD meetings. It is a myth that open BOARD meetings are required. (Access to a portion of a meeting, at regular intervals, is the only NC legal requirement.) The regular open meetings that we do have are historical and occur by the Board’s desire to communicate and receive input; not by NC law or The Red Book.**

**C. There is a huge difference between “secret” and “private”. Boards that want to be effective need productive opportunity to deliberate contentious, sensitive and complex issues in a private, trusted environment. This is a basic principle of sound governance, practiced by all effective boards. It results in sound conclusions and decisions.**

**D. In the last 4-5 years, the Board has dealt with many sensitive topics (such as personal financial hardships, inability to safely remain in a unit, spouse abuse, and alcohol abuse). These situations are awkward enough for the Board to deal with even in private. It is truly no one’s business to be privy to these sensitive discussions. In fact, it would be a gross invasion of personal privacy for these issues to be discussed in an open meeting.**

**E. Historically (at least the past eight (8) years), private sessions of the Board have always been consistently held. They are nothing new at all. Under Morris Guthrie, Frank Clark and Ken Hahn, these private, closed meetings were called “work” sessions. During the tenure of Barry MacDowell and Sandy Marcus, these meetings, in keeping with mainstream business practice, have been labeled “Executive “ sessions.**

**F. Communication of Board actions to the community occurs within 4 hours of the executive session. (Executive Board Meeting in the morning and Open Board Meeting in the afternoon.)**

Any issue which involves a fiduciary aspect should be put before the membership for discussion and a vote before any enactment. (Ex.: roofing costs, off-site trimming where the Association pays for 50%, fountains at entrances, etc., unless covered in the budget.)

**Per The Red Book, the budget for the next fiscal year is voted on by the Owners at the Annual Meeting.**

**Further, the above statement reflects confusion or misunderstanding of Red Book defined roles of the MEMBERS, contrasted with the Red Book specified roles of the BOARD.**

**Fleetwood, based on The Red Book, operates on a “Board” system of governance**

**whereby the Members meet once a year at the Annual Meeting and elect a Board to operate and manage the Association between Annual Meetings. In turn, the Board meets a minimum of six times a year to carry out its responsibilities.**

**The respective Powers & Duties (MEMBERS and BOARD) are too voluminous to outline in this document. However, they can be found in The Red Book on the following pages:**

**Powers and Duties of the MEMBERS (Association) Pages 43-44**

**Powers and Duties of the BOARD Pages 59-61**

The minutes of any meetings where votes decide an action should be available to members.

**Agree. To our knowledge, no requests for information have been denied or information withheld.**

### **3. Communications**

**Minutes of committee meetings must be kept for three years and made available to the membership.**

**Agree. This is being done.**

All persons on a committee, or appointed to a committee, should be notified of/and included in the meetings.

**Agree. To our knowledge, this is being done. (This would be the responsibility of the committee Chair.) If this is not being done, please notify the President.**

The owners of the 100 building should have been included in the Vista Committee meetings to represent their concerns.

**Almost all owners have vista issues; not just Building 100. Persons interested in serving on this committee should contact the President. Persons having vista concerns should contact the Committee Chair.**

The minutes of the meetings where allocation of common property solely for the benefit of individuals (which excludes the membership at large, i.e. private gardens behind the 200 building) should be made available.

**Agree**

The Board has failed to respond to members, or take an action, or answer questions regarding

issues of concern to owners.

- 1. All communications/requests receive a response. However, many times it's a matter that some people simply "do not like" the response given and therefore conclude that "in their eyes" the Board was non-responsive.**
- 2. Additionally, there are times when individuals choose to continue constant and repeated communication on the very same issue. In these instances, once a response has already been given, taking the further time of volunteer Board members to respond to repeated, redundant communication is neither appropriate or necessary. In these instances, once a proper response has been given, further communication may not occur.**
- 3. When a specific action is requested of the Board, there will be times when the Board does not agree with the specific action requested. The Board has the responsibility to consider the reasonableness of the requested action and act accordingly.**

Examples:

- Deborah Whitaker's meeting with the Board in summer of 2012 with respect to the "garden issues" had no follow through. The matter was dropped.  
**The continuing "garden issues" raised relating to Unit 201 were not valid. The owner requested board approval, prior to implementation. The requests were properly made and the proper form was used. The matter was referred to the Grounds Committee for a recommendation, the Grounds Committee Chair communicated a favorable recommendation and the Board unanimously approved the request. This was communicated.**
- Mr. Rosenberger's repeated requests regarding website information were ignored.  
**Mr. Rosenberger did, in fact, receive a prompt and courteous reply from the President. He simply did not like the answer, which was that the issue would be considered at the next board meeting.**
- Mrs. Trochet never received a reply from Mr. Leaman to her letter regarding roofing issues.  
**Mr. Leaman did respond to Mrs. Trochet by e-mail on July 23, 2012. Apparently his response was not satisfactory to Mrs. Trochet, as she wrote another e-mail 3 days later to ten (10) people (including Mr. Leaman) on the topic of contract work. This second e-mail did not contain any specific requests for information, so no response was deemed to be needed. It should be noted that Fleetwood's roofing specifications are available to any resident upon request. Furthermore, the plans for roof replacements are contained in the budget that is approved by the Owners at the Annual Meeting.**

#### **4. Bias of Surveys**

Any survey deemed necessary by the Board should be fair and unbiased.

- 1. While surveys are a straw poll and not binding, they are an outstanding way to get the feedback of the owners who care to express an opinion. Without surveys on**

important issues, the Board would only have the input of those attending open meetings and/or the most strident, persistent individuals.

2. In recent years we have had four surveys that were extremely helpful to the Board –
  - a. Window grids - 74% consensus in favor of changing the “every window” requirements
  - b. Regular vs. Special Assessments - 71% consensus opposed to using special assessments
  - c. Pursuing/dropping ownership restrictions - 90% consensus in favor of dropping the issue
  - d. Support of the concept (not necessarily participation) of Community vegetable gardens - 59% consensus in support of the concept
3. Board members (individually and/or collectively) were involved in the preparation of all four surveys. A couple of them had extensive Board involvement and multiple drafts to avoid bias. (The Ownership survey had seven drafts.) However, if the Board or Committee has a reasoned position on the matter, they have the responsibility to make that opinion known to the community. Many times the purpose of a survey is to ascertain if the community at large shares that opinion.
4. Many, if not most, issues are complex and do not lend themselves to a single question and/or a single answer. Forcing people into a “box” of limited responses is not fair.
5. In addition, every survey has provided the option of additional comments, should the respondent choose to do so.
6. People deserve the background of an issue, so they are able to make informed judgments.

The Board should present no argument for or against an outcome.

**Disagree. There will be times when a firm expression of Board or Committee opinion is necessary, helpful and appropriate.**

All surveys should have a time limit in which the membership should respond.

**Agree**

Example:

The "Raised Vegetable Gardens" survey and the statistically "skewed" results.

**The results of the referenced survey speak for themselves clearly and succinctly. These are not complicated or skewed. They do not in themselves indicate that board action is necessary.**

The second "Road Issue" vote where a Board member called a homeowner to ensure her "yes" vote.

**This was a past Board, but it is our understanding that the, then, Board divided the**

**owners into five groups and that ALL residents were called by one of the five Board members. The purpose was to respond to questions and to explain the Board's unanimous recommendation. This was an appropriate approach.**

## **5. Open Book Requirements:**

North Carolina Non-Profit Act #55A-16-01

The Board must record all actions taken with or without a meeting. Records must be kept of all committee meetings for 3 years and all records must be stored in a "principal" office.

**“Actions taken without a meeting” refers to formal actions (such as an email vote of the Board between regular meetings). Records are kept and maintained of these actions.**

### North Carolina Condominium Act

#### **§ 47C-3-118. Association records.**

(a) The association shall keep financial records sufficiently detailed to enable the association to comply with this chapter. **All financial and other records, including records of meetings of the association and executive board, shall be made reasonably available for examination** by any unit owner and the unit owner's authorized agents as required by the bylaws and by Chapter 55A of the General Statutes if the association is a nonprofit corporation.

### North Carolina Not-for-profit Act

#### **§ 55A-16-02. Inspection of records by members.**

(a) A member is entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described in G.S. 55A-16-01(e) if the member gives the corporation written notice of his demand at least five business days before the date on which the member wishes to inspect and copy. [Board Note: the detailed list of described records in G.S. 55A-16-01(e), can be found at the following link: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_55A/Article\\_16.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_55A/Article_16.pdf) ]

(b) A member is entitled to inspect and copy, at a reasonable time and reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (c) of this section and gives the corporation written notice of his demand at least five business days before the date on which the member wishes to inspect and copy:

- (1) Excerpts from any records required to be maintained under G.S. 55A-16-01(a), to the extent not subject to inspection under G.S. 55A-16-02(a);
- (2) Accounting records of the corporation; and
- (3) Subject to G.S. 55A-16-05, the membership list.

NC General Statutes - Chapter 55A Article 16 1(c) A member may inspect and copy the records identified in subsection (b) of this section only if:

- (1) The member's demand is made in good faith and for a proper purpose;
- (2) The member describes with reasonable particularity the purpose and the records the member desires to inspect; and
- (3) The records are directly connected with this purpose.

(d) This section does not affect:

- (1) The right of a member to inspect records under G.S. 55A-7-20 or, if the member is in litigation with the corporation, to inspect the records to the same extent as any other litigant; or
- (2) The power of a court, independently of this Chapter, to compel the production of corporate records for examination.

Minutes:

Minutes of committee meetings with respect to the following actions must be made available:

Bids on the water feature  
 Contracts on the water feature  
 Total annual expenditures (electric, water, etc.) of the water feature  
 Maintenance bids  
 All contracts and the amounts spent  
 Signatures on contracts Hicks' property trim expenditures

Were any of these items discussed at open meetings? **Yes, they were.** Are there minutes recorded for these actions? **Yes**

At all open meetings, Roberts Rules of Order state that the President should ask the Secretary if there has been any correspondence from the membership. **Communications to the Board are usually a part of every Board meeting.** All letters of protest and commendations should be read. (Reference my letter to Mr. Leaman). **Agree. To our knowledge, this always occurs. Many times this occurs at the Executive session of the Board meeting.**

Who is the Parliamentarian?

**Barry MacDowell accepted this position when Phyllis Seibert resigned. This appointment is included in the Plan of organization, which was posted on the website last September.**

## **6. Fairness and Consistency**

Unit owner of 703 should have been informed that the "2 Pet Rule" could have been appealed to the Board. The owners lost a 320K cash contract. Reference Red Book rule: Possible tortuous and attached Association liability.

**The above statement is misleading. Indeed, the Board WAS polled by the President on this issue. Even though an appeal had not been made, the poll occurred because of the President's desire to be fair and thorough. The resulting Board conclusion was that a waiver of the two-pet rule for two dogs was not appropriate. It was felt that the community would not be supportive of two dogs, one of which weighed over 50 pounds (significantly over the two-pet, 35 pound limit). Previous waivers (two parakeets and two cats) were for inside pets. Not for pets that would be using the common elements on a daily basis.**

Biased surveys for a particular action. **See previous response.**

The Board is responsible for listening to all sides of an issue and records such issue.

**Agree, and we try very hard to do this.**

No "skirting" rules. Red Book covenants and By-Laws must be changed by a 67 2/3% vote of the

membership. What applies to one member applies to all.

**Totally agree. In reality, the Board most frequently takes “heat” for actually following The Red Book. Last year’s “ownership issue” of unit 403 is an example. The course of Board action that some people initially wanted would have violated both The Red Book and North Carolina law.**

Board failure to discuss the Vista committee's "50/50" Principal. Does this effect some of Fleetwood or all of Fleetwood, and what percentage?

**The above statement is in error. The 50/50 principle was discussed in multiple Open meetings spread out over the course of months.**

Authorizing one owner to have a satellite dish (which is illegal) and not permitting all members to have satellite dishes.

**Having a satellite dish is not illegal. To the contrary, HOAs are prohibited from being too restrictive in the allowed placement of satellite dishes. This is abundantly clear in the FCC rules which lean towards quality access at reasonable cost.**

**There is considerable confusion and misinterpretation of the FCC rules. (The rules can be found at: <http://www.fcc.gov/guides/over-air-reception-devices-rule> ) To our knowledge there has been only one request in the last several years. The request was properly made and the Board approved the request. However, final placement had to be adjusted to receive a proper signal. This issue is being currently dealt with.**

Interpreting the Covenants and Rules without knowing the requirements set forth in the Red Book and failing to adhere to these principals.

**We are not aware of where this has been done. However, The Red Book is a complex document and it’s always possible to give an initial, good faith answer that is incorrect.**

**Some residents quote the Red Book quite freely. However, more often than not, they misquote, distort or take out of context, what The Red Book really says.**

Suggesting to owners that the Board can "override" the Red Book.

**To our knowledge, this has never been done. If it has been done, the suggestion is in error.**

## **7. Security of the Website.**

A non-secure website allows outsiders access to Fleetwood's financial statements, Board minutes, etc.; but also members' personal information: email addresses, profiles, cell phone numbers, second addresses, travel plans, etc.



See Mr. Rosenberger's correspondence.

**This concern was discussed in detail at both the recent Executive and Open Meetings of the Board. Board input was received and community input was received. At the conclusion of the discussion, Mr. Rosenberger's concern was not shared or expressed by any of those present.**

**Further, it was decided and announced that the most recent Financial Report (two pages) and Auditor's Report would be posted on the Visitor page. This is one of a wide range of sales and visibility efforts. Specifically, the intent of this change is to boost buyer confidence in Fleetwood's financial soundness.**

Specifics included in the original 6/25/13 document.

Fleetwood Plaza  
Rules Violation List  
June 15, 2013

Please reference Red Book: Section 7.11 Nuisances, 7.7 Prohibitions in Use of Common elements, 7.5 Motor Vehicles, Article VII sec 1 last sentence.

Unit 1401 : Furniture stored on back patio – **has merit. Will be completely removed next week**

- Use of common elements for storage. 7.7
- Possible fire hazard. Could block emergency personnel in case of fire, etc. 7.11
- Despoiling to the overall appearance of the property. 7.7

Unit 201: Clothes, shoes, milk jugs on front stoop. Vegetable gardens back area. – **has no merit. These items were not present when reported. Vegetable gardens were approved by board and are supported by the Red Book.**

- Airing of clothing, rugs and other fabrics 7.7
- Despoiling to the overall appearance of the property 7.7
- Possible obstruction to fire/emergency personnel. 7.11

Unit 203: Umbrella, jacket by front door. Vegetable gardens in the back area. – **has no merit**

- Airing of clothing, rugs and other fabrics. 7.7
- Despoiling to the overall appearance of the property 7.7
- Possible safety hazard. 7.11

Unit 1601: Broken flower pots, pots on common elements- **has no merit. No such thing observed. However, an abandoned garden has not been replaced with grass by owner and is unkempt.**

- All parts of the property shall be kept clean and sanitary. 7.11
- Despoiling to the overall appearance of the property. 7.7

Unit 403: Trailer remained on the common elements for 4 months – **this was years ago and it is not there at present.**

- No motor vehicles, trailers or any such items may be stored. 7.5

Unit 1001 : Firewood stored on common elements. – has merit. Owner was notified and firewood was removed.

- No firewood may be stored on porches or decks. Article VII sec. 1 last sentence
- Despoiling to the property 7.7
- Possible safety hazard 7.11
- Possibly harbor termites close to the building

Unit 501: Overgrown plants, shrubs etc. Had merit, but is no longer an issue. Owner was notified and did trimming.

- Despoiling to the overall appearance of the property 7.7
- Source of annoyance to neighbors. 7.11