

## **Special Meeting**

Consult with City and Village Lawyer Anthony Soukenik

August 20, 2024

7:01 PM

This meeting came together primarily to discuss the possibility of revising the HOA Covenants and Restrictions. Tony graciously gave us a short session, free of charge, to address the deficiencies that he noted in the document and to answer any questions we might have.

Tony gave us a little background on how the courts system works.

The court system in Missouri will enforce the Covenants and Restrictions as long as they are not unambiguous. They will not enforce the restrictions if there have been any improvements on the property in the last two years and have not been enforced by the ACC. Also, selective enforcement by the committee is not allowed.

The deficiencies Andy noted were:

--- It is not clear which land is encumbered by the association. All plats need to be included.

--- The language for the annual assessment fee increases needs to be updated. Also, the voting procedure for any increases needs to be addressed.

--- He recommended that we include verbiage in the Covenants that the HOA only allow a certain amount of rentals, moving forward. This would be the approach to limit corporation buying.

--He also recommended updating the fine section to note the reasons for receiving a fine.

Diane asked if it would be difficult to combine all the plats.

Tony hopes that all the plats reference book 6971159. That will reference the first page of the first plat.

Corporate Transparency Act – Incorporation of the HOA allows the attorney to enforce the restriction. The attorney is required to register all of the board members with FINCEN.

Michelle asked what action we could take with the corporations that purchase homes in the subdivision for rentals. Can we stop them?

Tony recommended amending the rental policy in the covenants.

Mike noted that our \$50 assessment fee has not been updated in the recorder's office. Tony could find the reference to the court case for when it was raised to \$100. The fee can be updated with an amendment.

Tony will send an Engagement Letter if we decide to use his services.

He explained how the voting would take place once the changes in the document have been made.

Brandt suggested that we meet as group to discuss the possible changes to the Covenants and Restrictions. He will email the members to see what date would work. Then a meeting with Tony could be made.

Brandt made a motion to retain Tony's services. Diane seconded. Motion passed.

Brandt made a motion for Mike to burn the burn pile in the next couple of days. Seconded by Diane. Motion passed.

Meeting adjourned at 7:53.

Theresa Leland