

PECAN CREEK PROPERTY OWNERS ASSOCIATION

Annual Meeting

Minutes of the Annual Meeting of the Pecan Creek Property Owners Association, *Newalla, Oklahoma*, held at the *Pecan Valley Baptist Church* at 9:00am on the 1st of March, 2025.

CALL TO ORDER

- Board member Brandi Maroge called the meeting to order with a quorum.

ROLL CALL OF OFFICERS

- Present: Brandi Maroge, Mark Watral, Lindsay Unruh, Matt Delong, Francis Poppell and Eric Tyler
- Absent: None

APPROVAL OF THE MINUTES

- Read by Lindsay.

TREASURY REPORT

- Read by Lindsay.

NEW BUSINESS

- Discussion on Title Transfer Fees
 - Greg Davis asked about title transfer fees and who gets that money?
 - Brandi advised that per the contract we signed with HOA Services, HOA Services gets to retain the fee for processing the title transfer. Members expressed frustration with this fact and Brandi advised that in the past the POA never collected it. Mark Watral advised it was not until Tax Worx, the prior management company hired by the prior board, told them they could that it was ever collected and Tax Worx agreed to process and allow the POA to retain the full amount. Brandi pointed out that the records provided by Tax Worxs do not reflect any Title Transfer Fees being collected. Members would like to know how much HOA Services has retained in Title Transfer fees. Frances Poppel stated she was charged \$250 when she purchased her home and believes that was not right. Brandi advised this is a fee that is legally allowed to be collected by the POA and wants to know what we did with her money; however, she purchased her home when Tax Works was processing them so it is unknown and their records were very poor. Eric Tyler pointed out that for so long, this POA hasn't been running properly and that is why you hire a company like HOA Services to actually come in and kind of clean it up. Misty Endriss stated "but at 8,000 a year and that the homeowners have not even had a chance to read the contract." Brandi advised the contract was widely available for review both on the website & Facebook and was presented at the board meeting where it was voted on by the board. Misty stated that the hiring of HOA Services was for the members to decide, and not the board. Brandi clarified that the board's function is to determine how business is conducted and determine which contracts are entered into and recommended everyone read their governing documents. Charlene requested

clarification on what the Title Transfer Fee is and Brandi clarified it is a legal right to collect money for processing the request with the title company that the POA is allowed to charge the title companies. Mark stated that Tax Worx allowed the POA to retain all of the fee and Brandi again reiterated that the Board voted to hire HOA Services based on the contract wherein it stated they could retain the Title Transfer Fee and they would focus on collecting past dues for POA, whereas we don't even know what Tax Worx did, if anything, b/c the prior Board hired agreed to pay TaxWorks \$6,000, for services unknown because there was no written contract that could be reviewed and there is no record they collected past dues or attempted to collect past dues.

- Misty, Francis and Rodney Cochran raised the issue of there only being 3 board meetings in 2024. Brandi advised per the governing documents there is only a requirement that there be 2 board meetings. Frances raised the issue of people not knowing when the board meetings were taking place. Brandi advised each meeting was posted on the Website and Facebook and Frances herself was on text strings where the board agreed on dates for meeting and still she stated she was not aware of meetings.

OLD BUSINESS

- Dues

- Brandi advised we have 196 lots that have past due balances. That's out of 406 lots. So about half our community isn't paying. Pursuing those, we'd like to get started on that. We decided these last two years to give people an opportunity to get their correct balances in line because that was a process to go from no records to then getting up to speed to figure out what people actually owed. And then we gave people a year to show proof whether they paid or not, which is where a lot of those collections' write offs came from. Now we're at the point where we are confident we can go to collections, small claims, and say these people owed. They've had an opportunity to pay or bring their balances up to current. And if they haven't, we're going to pursue those.
- Charlene asked about the 250, 000 still owed by various?
- Brandi advised when you have half of your 406 community that haven't paid dues, and they haven't paid dues in however many years, probably a lot of them over 20 years, then you have a high balance, but unfortunately, we're limited to a statute of limitations that only lets us collect for the past five years. So, that is the struggle here. So we're going to try and get those things in order and go ahead and pursue those.
- Regina asked if we were putting liens on properties that are past due?
- Brandi advised we first got set up with HOA services, the goal was to try and give people an opportunity to get their balances caught up and show proof of past payments to correct any inaccuracies before we pursue liens and collections, but that is going to be the course of action going forward. Unfortunately, the past board thought putting the lien was end all be all and they'd get their money, but if people don't sell their house, liens don't mean anything so small claims court and collections are the proper avenue. Until we felt confident we could put a lien, go to

collections and get that done we held off, now we're at that point.

- Regina stated that another member mailed their checks in January. The company didn't get it until the first of February. Now they are being charged a \$1.48 late fee. Our bylaws say we have until March to pay them.
- Brandi advised you have a 30 day grace period after the due date before interest is charged. The due date is January 1st, but if there is a discrepancy, HOA Services can look into that. Their process is to deposit at the middle and end of each month. So they usually post the 15th or the 30th.
- Regina raised the issue of someone being upset about their being \$1.48 in interest charged and how much it cost the POA to send the notice. Brandi Advised HOA services provides delinquency notices which are included in their contract so it does not cost anything additional to the POA for those notices to be sent.
- Charlene asked about the road work on the entrance that was done on winding. And they were supposed to grind up the asphalt and mix it with the gravel. Well, they obviously didn't do that because it's all separated. Brandi clarified that there was not a conversation about asphalt being ground up and mixed in with the gravel, but that could have been miscommunicated. The work requested was for the asphalt to be removed and replaced with gravel.
- Brandi shared that another issue we have with collections is that when we started really talking about this with HOA services last year, they started getting things ready and then they came across a roadblock and a homeowner actually notified them that he was receiving letters from Millennial Financial group, which is a collection agency, and the problem with this is if we pursue collections on that specific homeowner, then millennial financial group would be entitled to part of the collections fee, if the contract the POA entered with them is still active. HOA Services and I have attempted to obtain a copy of the contract, but we have not had success and need to retain an attorney to try to obtain it/verify there is not one so that we can pursue collections. Mark Watral wanted to know who was reached out to about it and Brandi advised she contacted the prior board members, via text, and Dana advised it likely burned in the fire and no one has it. Mark then confirmed it would have burned up. Brandi reiterated the next course of action is to hire an attorney so that they can send them a demand letter and work towards getting that contract so that we can verify if we can pursue collections or we cannot until we terminate the contract with them. Charlene asked why can't the association write these people a letter requesting it? Brandi advised that's what was done on behalf of the board. But they are non responsive. We've had HOA services reach out to them. They're non responsive. They refuse to give us any information when we did talk to someone. So, we're at a loss and this is our next step. So, this will be a topic that the board would vote on, hiring an attorney to pursue this.

NEW BUSINESS

- Roads

- Brandi advised in 2024 we spent 55, 000 on the roads. There's a couple areas that came up in 24

that I think are similar to the entrance off Harrah and Winding Creek. It's old asphalt that was never maintained. It needs to be ground up and removed and then created into gravel roads on Rolling oak and Valley View.

- Signs

- Brandi advised that sometime last year it was brought up about removing the signs that are inapplicable, unenforceable, which include the ATV signs. The signs that are up that have the ATV prohibited cite a statute that is completely unenforceable. The cops have been called numerous times and the police advise there is nothing they can do. Because these signs are misleading people into thinking ATVs are prohibited, people are frustrated when nothing can be done. This was put to a vote last year, but we can do so again at the board meeting if needed. Charlene stated she thought all roads that were open to the public, people had to be, a driving age and had to have insurance and pay taxes. Brandi advised these are private roads, which also means, another aspect of that is we have public access and no one, no member can block access from anybody else because then they block other members access, but we are private and that's another reason when people say so and so speeding and the cops are like, we can't do anything about it is because we are a private road. Brandi advised that unless we hire our own private security and we set up our own list of violations and fines to go with those, there's no enforcing the restrictions in that regard. So there's an avenue to do that and I certainly would be for pursuing those avenues so that we can be a fully functioning HOA and not just a road maintenance crew but that's a vote for the membership and that would go out in writing, specifically what the vote would be on, word for word, and it would be to the entire membership to vote on, the board cannot decide that. Charlene asked so we can't do anything about people going 60mph and Brandi confirmed that is correct and Greg Davis advised unless the police witness it for themselves
- Greg Davis asked for clarification Brandi's statement about fines and amending the bylaws I guess so that you can start fining people. We enforce hardly none of the bylaws, guidelines, building codes, anything. And now the plan is to start giving the board an ability to start fining people to generate revenue.

Brandi clarified the bylaws are for the board, whereas the governing document, the declaration and restrictions, that's the whole membership. So anything changing the restrictions, such as assessing a fine, that's a vote of the entire membership. That would be the community as a whole has this desire and they want to pursue it. And there's going to be the few that are unhappy with that or vice versa, whatever the case may be.

Greg Davis stated according to what he read, it takes two thirds of the membership and pointed out that we can barely get 25% to attend. Brandi confirmed and shared that there is another avenue to that. If that were something the homeowners were interested in. If we went around to the entire association, the membership door to door and got notarized signatures of them voting on these things that they were already notified in a letter of, it doesn't have to be a meeting. But you still have to have those signatures. You still have to have two thirds vote of the membership via the signatures. There's different avenues to do that, but that's up to the community as a whole.

Greg Davis asked that hypothetically, this all goes down and you fine them and they send the fee for the fine to the homeowner and they [HOA Services] get a percentage of it, is that correct? Brandi clarified that is not correct and explained that what is lacking in our governing documents that other HOAs have is a fine schedule, and that's how they generate income to maintain things as well.

- Frances raised the issue of the road to Indian Hills from South Cliff being blocked by a gate put up by her neighbor and it not being maintained by the POA and expressed the POA needs to do something. Matt suggested that Frances, as a board member, go do something about it. Frances moved into the neighborhood in December of 2022. Brandi asked Jessi Stanley if he had any information as to how long the gate has been there. Jessi advised the gate was placed there around 2007 and the original gate was further up the hill when it was put in and they were taken to court and were told to remove it. The new gate is further down the hill now and he's put more stuff out in the middle of the street, physically blocking the street. So, yes there is an issue and somebody needs to address it. Matt DeLong suggested to Francis she start looking into what can be done about it and Frances was upset she was being asked to look into the issue even though she is on the board.
- Brandi shared that Brad was told that if he's interested and he has insurance, he can provide a quote and that is the extent of engagement so far. If you guys know people that have good vendors that you want to contract with, send them to the board. We are limited out here in Newalla. If you guys know people that have services that we need, like tinhorn clean out, it would be greatly appreciated. The Little Axe FD was unavailable to assist when someone from the board reached out requesting their services after it was raised as an option at a prior meeting.
- Greg Davis stated that these roads are the best they've ever been and although the current grader may be a little expensive, getting it cheaper isn't always better. Brandi agreed and pointed out that there's always going to be issues that come up when we have heavy rains and things and a regular maintenance schedule is crucial, which he has provided for us.
- Charlene raised the issue of a business being conducted on Acorn Ln. Brandi advised she was not aware and asked for more detail. Mark Watral advised they're doing heavy line stuff, diesel and large equipment. Betty stated she's been down there talking to the people that work for the place and they said that they make commercial tornado shelters. Brandi advised that it's certainly something we can look into. It is a restriction violation, but you guys are aware there's restrictions on what we're able to do to enforce, which is why 40 years has only been road maintenance. And that is why you have so many code violations. I will point out if things haven't been enforced on like the building plans and things like that and Barnduminiums coming in. No judge is going to say, Oh, by the way, you need to tear down your house or you can't do that when it's not been enforced in 40 years. So you're not going to get enforcement of restrictions that haven't been enforced in 40 years but can certainly be looked into. Betty Hyat stated When I was on the board, there was someone that was in the real estate business and the people on the board that wanted to pass that it would be okay to have businesses in this addition if they were small and didn't require very much traffic. Now that was against the bylaws and the people and it was a real estate lady and she and her husband both were on the board. And then she also vetoed hiring a company like you did. So she thought she could find another company cheaper. And then basically, she was under the table doing that herself and paying her insurance company, I

think. Brandi advised she cannot speak to what anybody else has done nor can she speak to any other board decisions. I do know in our governing documents the board can or cannot pursue litigation if they put it to a vote. They don't have to. It doesn't prevent any future boards from doing so. It doesn't prevent a homeowner from doing so. But as for prior board actions, she can't answer to any of that or why people made decisions they did.

- Are dues being raised?
 - Brandi advised that for some reason there's this grand rumor out there that she and Lindsay want to raise dues. This is a false rumor and the only Board member that has routinely brought up that dues should be raised is Mark Watral. Brandi stated she prefers to focus on collecting from those that have not paid and expressed that we are not waiving dues. If you come up to us with an issue, we will work with you on interest that gets accrued, but certainly we are not waiving dues because then we are hurting the community.
- Virtual Meetings
 - Brandi advised that Lindsay had a suggestion going forward about virtual meetings that she's come across an app if they wanted to join virtually, we still have our in person meeting, but for those that find it a little more difficult to join, we could set up some type of virtual where they join via Zoom or Google Meets or whatever and just allow them access and allow them the ability to hear what's going on and post questions, whatever. So, if you guys were interested in that we could make that happen. We have to have internet and we could bring in a TV or a large monitor or whatever. But that's an option if you guys are interested in more people getting involved.
- Vote in new Board Members
 - Brandi advised we have three vacant positions.
 - Brandi nominated Shauna and Matt seconded the motion.
 - Frances nominated Misty and Mark seconded the motion.
 - Amanda nominated Kyle and Brandi seconded the motion
 - Frances nominated Jesse Stanley and Greg Davis seconded the motion.
 - Lindsay explained that we have four nominations. So what you're going to do is, you have three cards, and you can only pick three names. Pick which three people you want to vote for and write one name on each card.
 - After a count of the votes, Kyle (42 votes) , Misty (33 votes), Jesse (38 votes) and Shauna (18 votes). Kyle, Misty, and Jesse are now on the board

Meeting Adjourned at 10:30AM.

BOARD MEMBERS MEETING

- A short board members meeting was held immediately after the annual meeting to elect officer positions.

- Matt was nominated to be president by Brandi and was elected president with 5 Y (Brandi, Matt, Kyle, Eric, Lindsay) and 4 N (Mark, Jesse, Francis, Misty).
- Mark was nominated to be vice president by Francis and was elected vice president with 5 Y (Mark, Jesse, Francis, Misty, Eric) and 4 N (Brandi, Matt, Kyle, Lindsay).
- Lindsay was nominated to be treasurer/secretary by Brandi and was elected treasurer/secretary with 5 Y (Brandi, Matt, Kyle, Eric, Lindsay) and 4 N (Mark, Jesse, Francis, Misty).
- Matt read the new contract for HOA Services out loud to the board.
- Board then voted to renew the contract with HOA Services and the contract was voted to be renewed with 5 Y (Brandi, Matt, Kyle, Eric, Lindsay) and 4 N (Mark, Jesse, Francis, Misty)

NEXT BOARD MEMBERS MEETING

- TBD