

Notice of Special Meeting
Winslow Farm Community Association, Inc.
Thursday, Nov. 13, 2008 7:00 pm
Jackson Creek Middle School Auditorium

Purpose of meeting:

Provide homeowners with information and documents and allow for discussion of the common property/maintenance areas known as the wet ponds and the dry pond.

Discuss and decide on pond maintenance solutions in excess of \$5000.00 such as, but not limited to, the conversion of the end of pond # 3 near bridge into a rain garden with sediment trap, or hiring a landscape architect to redesign the pond system.

Discuss and decide on potential WF document changes such as defining common property, increase in size of board of directors, enforcement of covenants, graduated fees and other information from attorney, as per proposal passed by homeowners voting at 2007 annual meeting

Dear Winslow Farm Community Association Member,

We need YOU! Please read this NOW!! Don't put it aside!

We need your opinions/thoughts/choices. **It is time to make some difficult decisions.** This is our Community and it is deeply divided. As Abraham Lincoln said, "a house divided against itself can not stand." **Do we come together** and find some common ground? **Do we dissolve the association**, and leave our individual neighborhood covenants to protect property values? Dissolving the Corporation would not eliminate the covenants for each neighborhood. Just like the United States government in this time of crisis, **we in this neighborhood government must make some hard choices with financial impact.**

Like it or not, you are a member of a corporation. You and your neighbors jointly own real property and assets, have real obligations and real responsibility.

During the past two years the Board and Committees have done a lot of research. We have found that there is **no enforcement power for the association in our covenants!**

The enforcer of the covenants is YOU, the homeowner. In order to stop your neighbor from painting his/her shutters polka dot, **YOU must take legal action** to enforce the neighborhood rules. You would have to file a lawsuit. **So, do we need an association?**

One neighborhood presented the Board a survey of the neighbors. 2/3 of those neighbors wanted to pursue the possibility of ending the association. Some neighbors have stated that **the only reason for our association to exist is the care of the ponds.** The **pond system is failing.** Neighbors who live near ponds have asked, in a petition to the Board, for the **ponds to be returned to the way they once were.** This will **cost money.** Bids have indicated that it will take more than a **quarter of a million dollars** to replace damaged liners and return the ponds to original condition. Weirs and pumps and pipes and fountains also need repair or replacement.

Some neighbors want the retention pond system to be more **environmental** and natural. Using electricity 24 hours per day to run the pumping system for esthetic reasons costs money and is contributing to global warming. **We must decide if our retention ponds are to be clear pools of water, or more natural, environmentally correct, ponds and/or creeks.**

Are the ponds safe? Are they a danger to children? A pond is an attractive nuisance.

Three attorneys have advised our association to get in compliance with city code.

The ponds are currently out of compliance with a city ordinance which requires bodies of water in excess of 36 inches to be fenced with a five foot fence. Some homeowners prefer to rely on our liability insurance. In light of the near drowning (and permanent brain damage) of a child in a pond bordering our neighborhood, the Board looked into increasing our liability coverage. Our insurance rates increased this year. Increased insurance will **cost more money.**

Do we fence our ponds??? The cost to fence all ponds would exceed \$5000 and require a vote of all homeowners. The Board is working to lower the ponds below the 36" depth that requires child proof fencing. Some homeowners have suggested we drain the ponds and turn them into grassy bowls to retain excess water only in a storm event. **Should the wet ponds be converted to rain gardens?** Members of the pond committee are suggesting some ponds could be converted to rain gardens, a more modern method of dealing with storm water runoff.

Who owns the ponds?

In the original documents the ponds were to be deeded to **Moss Creek & Moss Creek Village.** In 2006, the Moss Creek Village LLC (already dissolved by the state of Indiana) deeded a remainder of land to Winslow Farm Community Association, Inc. With much work and effort that remainder was given a legal description and stake survey. The Board found that property to be ponds 4, 5, 6 & 7 and the land around them to within 6 feet of patio homes. Ownership of ponds 1, 2 & 3 is unknown.

Who would be liable for an accident in those ponds? Taking care of those ponds puts the association in a position of liability for them as well.

Winslow Farm is composed of 8 neighborhoods. Three of those communities are condo communities with individual homeowner associations working for them. Most WFCAs go to take care of community maintenance areas in Moss Creek & Moss Creek Village. Laurelwood, Bayberry & New Bent Tree have very little community maintenance area. Many **homeowners are unhappy with the unfairness** of this. Historically complaints were silenced with the argument that the wet ponds take care of your storm water. **Not True!**

The Sweetbriar dry pond takes care of the drainage from Bayberry, Sweetbriar, Laurelwood, New Bent Tree and most of Bent Tree. It costs very little to maintain.

What about our rock walls??? The covenants talk about "stone stacked fence".

There are many retaining walls in Winslow Farm. Some neighbors believe that the retaining wall on their property is community maintenance area. Some feel we should all pay to repair the stone walls in public view. Attorneys have advised that **walls on private property are the responsibility of the individual property owner.** Some past boards have, and potentially future boards will, repair private property with neighborhood funds. **Homeowners need to decide what we are going to maintain.**

Homeowners last year **voted for a proposal to have a lawyer look over our documents and present suggestions for homeowners by June 2008.** At the start of 2008, a committee started this task and in June a decision was made not to call a meeting. The committee proposed documents with additional pages, additional rules, but still no enforcement. Items suggested by homeowners during the past 2 years were not included (graduated fees and a board with representation from each neighborhood). That committee has since withdrawn all proposed changes. Have you read your documents? **Do you have a copy of the documents?** Do you have questions about the documents?

The 2008 Board has gone through change. Michael Porter and Sherry Knighton Schwandt have both stepped down. Carol Sylvester, Laurelwood, has been appointed to the Board. Most members of the documents committee have resigned. The chair of the communications committee resigned and the website disappeared. The current board is happy to introduce you to our new website: www.winslowfarmcommunity.com **where you can find copies of the documents, minutes of meetings and information about our common property.**

As you can see we have been and still are facing many challenges with our Association. We need each and every one of you to have an input and help decide what to do with these issues.

We are inviting you to a meeting on Nov. 13. Homeowners will be updated on the review of documents process. Our Pond Committee, who has worked very diligently for the past two years, will be presenting information. They want all neighbors to be well informed regarding the ponds. **Long term solutions to pond problems will be presented by professionals.** Options include re-working our pond system to create a functional, ecological, low maintenance creek way to handle storm water run off from the roofs and streets. **If homeowners want to implement any programs they will need to vote to expend funds from our reserves.**

Nov 13 at Jackson Creek Middle School Auditorium. Just south of us at the corner of Sare & Rhorer Roads. Member Sign in at 6:30. Meeting at 7pm.

We want all homeowners to participate in the decision process, please let your voice be heard and your vote count. This may be your last opportunity to have a choice in these matters. As in every democracy the majority wins. So please attend this meeting & cast your vote.

**Homeowner...it is critical that you return one sheet of paper in this mailing.
The homeowner information update and the proxy. Please fill out both sides.**

All proxies should be turned in no later than 6pm November 12. You can mail it to the management office, drop it off at the management office, e-mail it to info@winslowfarmcommunity.com, or drop it off at the home of an officer or pond committee member listed below:

**Sarah Lone 2206 Bent Tree Drive
Carol Sylvester 413 Laurelwood Drive
Dot Brown 2244 Sweetbriar Court
Phyllis Mitchell 414 Wylie Farm Road**

Capital Realty, Inc. 323 E. Winslow Road Suite 100