

November / December 2011

To The Gatherings Owners:

We hope that you are enjoying this wonderful fall weather. This serves as an update on several issues at The Gatherings. The annual meeting was on November 5, 2011. There are several important and newsworthy subjects to make sure that owners are aware.

The financial report and budget were reviewed. The Gatherings Board of Directors determined that the 2012 monthly regime fees would remain the same as this past year. The coupon books for the 2012 monthly payments have been mailed to all owners. As a reminder: monthly payments are due by the tenth of each month. There is a \$25 per month late fee. Owners are encouraged to sign up for the Automated Direct Deposit program that is available to ensure prompt payment.

The monthly regime fees are necessary for the overall operations of The Gatherings Homeowners Association. There are multiple facets to the operations. Following are a few items that your regime fees covers, giving an approximate cost on a per unit monthly bases:

Building Maintenance & Repairs	Approximately \$73	per month
Landscape / Grounds / Maintenance	Approximately \$34	per month
Pool Maintenance / Supplies / Repairs	Approximately \$10	per month
Pest & Termite Control	Approximately \$10	per month
Common electric, water & sewer	Approximately \$13	per month
Admin fees, taxes, permits, supplies	Approximately \$33	per month
Trash Collection	Approximately \$11	per month
Professional & Legal Services	Approximately \$16	per month
Insurance	Approximately \$114	per month

The collection of homeowner association fees was discussed. The delinquencies have directly affected the property values and the inability of homeowners to get mortgages. As a courtesy, owners may receive a reminder letter regarding their regime account. However, delinquent accounts are being actively pursued by The Gatherings Homeowners' Association by means of legal collection processing. Delinquent owners are responsible for all legal fees and charges. Failure to comply with full payment of regime fees will result in several legal processes, including but not limited to filing a lien on the property, filing personal judgments against the owner, assignment of court ordered receivership and or the association filing for foreclosure on the property.

Due to tight budget constraints, The Gatherings Homeowners' Association Ongoing maintenance and repairs reported were listed and prioritized. In 2011, the primary focus for building maintenance and repair items for each unit was based first on safety, and second on repairs to prevent further damages. Owners should report damages, maintenance request and repairs needed to the management company by email or in writing. Owners are also encouraged to help by maintaining their property. There are multiple things that you can do to protect your property. Whether it is tucking in that hanging insulation or cleaning your stairs, it is up to all owners to help preserve your investment. Also, take note that the association will not make interior repairs. All interior repairs are an owner's responsibility.

IMPORTANT NOTICE: All changes, including alterations, modifications, renovations, additions to all properties must be approved by The Gatherings Board of Directors prior to work commencing. Failure to comply may result in the association having such work removed at the owner's expense. ***All alterations, modifications, renovations, additions, whether approved or not, are the owners' responsibility for all expenses, maintenance and repairs.***

This year, the four-year lawsuit of The Gatherings Homeowner Association versus the developer, et al was finally settled by mediation. Following is a summary of the how the specific homes were selected for this lawsuit. The Gatherings Board of Directors approved to include the homes on stilts that were not part of the lawsuit, pending funds available.

Repairs and construction is in progress, starting in Pine Burr East. It is important to note that there are many of the homes that have added screened in porches and made such changes as mentioned above. ***The changes (screened porches, etc.) to the homes will not be included in the repairs and construction of the homes.*** Also, take note that the association will not make interior repairs. All interior repairs are an owner's responsibility. Should any owner wish to have repairs or maintenance performed to these areas, written request must be submitted to the management company.

-----Litigation Summary-----

The following excerpt is from legal counsel representing The Gatherings HPR regarding the 29 homes selected for the litigation / settlement.

The Gatherings Homeowners' Association, Inc. v Kayser Construction, Inc. d/b/a Kayser Custom Homes, Kayser Development, Inc. d/b/a Kayser Custom Homes, James R. Kayser, Boatwright Homes, Inc. f/k/a Paradise Investment Properties, Inc. and the Gatherings, Inc.

The 29 homes specifically used in the litigation were based on the following:

1. All were within the required Statute of Repose or Limitations
2. All had Hardie Plank siding
3. All had Louisiana Pacific trim
4. All were constructed by Kayser

The other stilted homes that were not included were either older than the 29 homes, or did not have the siding or trim named in the lawsuit. The other issue noted was that at least one of those stilted homes had significant repairs already made. It did not appear to be Hardie plank siding and the amount of repairs could have triggered the statute of limitations even more and could have lost the case.

Concerns were expressed that at least one or two of those stilted homes that had significant amount of repairs and consideration had to be given that these were older than the 29 homes and the absence of Hardie plank

The other issue with leaving out some of the stilted homes was that since they were different, it would have cost substantially more money to investigate. The expert would have had to cut those homes and which would have attracted attention to the previous repairs.

The attorney for Kayser even used some of those older stilted homes in his argument to try to point out that the Association knew about problems with those homes a long time ago. The association response was those homes were not part of the lawsuit, which assisted in the association receiving a settlement.

On another note, owners are encouraged to improve the landscaping around their individual property. The Gatherings consist of over 21 acres for the landscape company to maintain. The budget simply does not allow for mulch and flowers to the 103 individual units. Many owners have installed pine straw and beautiful flowers to enhance the curb appeal of their home.

Another gentle reminder – school is in session. Please be mindful of the neighborhood children taking the school bus to and from school in the mornings and afternoons. Safety first.

We appreciate all owners and residents who properly curb their pets. Please remember the leash laws.

Help us cut cost: please make sure that we have your email address and updated information!

In the meantime, The Gatherings Homeowners Association continues to make improvements to the community. With the help from everyone, we will continue making The Gatherings a safe and pleasant neighborhood. Please feel free to contact us if you have any questions. Thank you!

Happy Holidays!

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