

ACNA Meeting Minutes January 26, 2010

The meeting of the Allen County Neighborhood Association was held on January 26, 2010 in the Omni Room of the City County Building. The meeting was called to order at 7:00pm by Joanne Bergman, ACNA Co-coordinator. Twenty-seven members were in attendance.

Joanne made the introductions of ACNA officials and guests in attendance. Along with Ms. Bergman were Ann Holsinger, Aboite Meadows, and Rob Green (secretary). Guest speakers included Marilyn Hormann, John McGauley, Bob Eherenman and Mike Green. Special thanks were given to Larry Banks for the exemplary job of recording the meetings for broadcast on local television.

Marilyn Hormann, Foxchase Villas Association, began the meeting with a brief announcement and handout that the meeting would be broadcast on Access One on Verizon Cable channel 25 and Comcast Cable channel 55 on Thursday February 4th at 5:00pm and Friday February 5th at 9:00am. Attendees were invited to contact Access Fort Wayne at 421-1250 with any questions.

Joanne then informed those in attendance that Bob Eherenman or Carrie Gutman Hawks would be available at the start of each future meeting for a brief fifteen minute session to answer any legal questions the group may have. Questions can be presented prior to the meeting or at the open discussion portion of the lawyer's time.

Bob Eherenman:

Bob began his presentation stating that he may be emailed at his office with Association questions and he would do his best to answer them. These answers would be general answers, not specific legal advice.

1. Association tax returns: Bob stated that he wasn't an accountant, but he knows that associations must file a tax return for Indiana non-profit corporations. A Google search for "Homeowner Association Tax Returns" would provide more information. It was also stated that associations must file Federal and State returns. Associations may not have to pay any taxes, but they still need to file. The question was then asked "What if there have not been previous years' tax returns filed?" Anyone can go to the State of Indiana Secretary of State website and search for Articles of Incorporation to see if your status is active or non-active. This will greatly affect any decisions on what to do next. Bob reiterated that he was not an accountant and for further information, the association should consult with one.
2. What documents are required for a new association? One should go to the Secretary of State Website and check to see if the association is incorporated. It will be necessary to file to become incorporated if it is not. You will then need a set of Covenants and By Laws. Bob suggested to wait until further in the evening's presentations for information from John McGauley on how to file Covenants with his office. One should also do a title search to find all the

- documents that are on file for the association. The By Laws are needed as they are the rules by which the association board will operate. These are not required to be kept on file at the Recorder's office. The Board of Directors of the association needs to control these.
3. Can fees and penalties be collected if not spelled out in the By Laws? Bob stated that “maybe” is the best answer he could give. It all depends on who wrote the By Laws and what exactly they say. If it is spelled out in the By Laws that the Board has the authority to collect, then generally the answer is yes. That is unless it specifically states that you can't. It is important to check your individual By Laws to be sure. In a For Profit Corporation, the power to decide usually goes to the Committee. In a non-profit, the power to decide usually rests with the Board.

Open Discussion

4. How have Lien laws been affected by recent statute changes? Prior to the changes, if the Covenants didn't say you can place a lien for non payment, then one couldn't do it. The new Statute allows the association the right to file liens on the homeowners. It used to be that the lien was valid for ten years, then it changed to one year and had to be renewed yearly. The final version of the Homeowners Statute says that liens are valid for a 3-5 year period and must be renewed at the end of each cycle. This has not been tested in court as of yet. And, remember, the association is usually last on the list of creditors to be paid.
5. If you have a member violating covenants, can you contact Code Enforcement to force compliance? Code Enforcement will only come to your aid to enforce actual codes. Using a lawyer for Covenant violations should be a last resort. Talk to the people involved first. Keep on them about any violations, but talk to them. These are your neighbors and legal action should be a last resort.
6. Can you turn over dues collections to a Collection Agency? One can, but the way these agencies work, a person may not even get any money if they collect. Collection agencies buy the bad debt and usually take at least 25% for any recovery.

Bob left business cards at the table for attendees to take for his contact information. He will attempt to answer email questions in a general manner. rwe@hallercolvin.com

John McGauley:

John McGauley, the Allen County Recorder, was the next presenter at the meeting. He began by again thanking Larry Banks for turning the TV production video into first rate presentations.

The Recorder's Office is a tool chest for homeowners and Associations to use, and presented those in attendance a two page handout of items one can get through his office. He also stated that individuals can get free downloaded versions of any recorded covenants through his office. These records are instantly updated, so any document one gets from the online site will be the most recent version on file.

John stated that the Recorder's Office website provides homeowners / Association access to two main items:

1. Neighborhood Resource Center
 - a. www.allencountyrecorder.us/neighborhoods
 - b. A free online tool for finding and viewing covenants and restrictions for hundreds of subdivisions and condominium developments in our community. One will also find maps, contact information and other information relating to most Allen County subdivisions.
2. Property Fraud Alert
 - a. www.allencountyrecorder.us/PFA
 - b. Free internet based system that automatically alerts a property owner via email or telephone each time a document that included that person's name is recorded in the Allen County Recorder's Office. Property fraud is a rapidly growing problem in the US.

What does the Recorder's Office do?

- Recording of Neighborhood Covenants and Amendments. These must be recorded to be valid. One can have By Laws recorded if desired. Association Covenants on file will be the most up to date versions available.
- Records of liens for unpaid association dues / assessments.
- The best source for copies of records for property. These are the official records. Do not pay for an outside service to provide deeds or other records. These may be gotten for free from the Recorder's office.
- Protection against property fraud. If anyone brings in an official document to the Recorder's office, it must be recorded. Thieves are targeting property owners and fraudulently taking over control of the property.
- Military records may be recorded for free to Veterans. After 2007, Veterans records are kept private, even if they are recorded. Only the person listed in the records or a legal guardian may access these records. By recording them, they are kept safe and will be easy to find at future times.
- Birth and death records can be recorded also. Once they are recorded, they are Certified and easily obtainable.
- Recording of the new "will substitute" trust. This will help control who has access to your property in the event of a death. This is usually faster, easier and cheaper than a typical will.

Other notes:

- Transfer of death deeds are easily changed.
- Available online for free: Association records; Plats; Covenants
- Available for a fee: items recorded pre 1970. The Recorder's office is working to get the pre 1970 records digitized so they can be made available also.
- Other Counties in Indiana do talk between themselves. The work that the Allen County Recorder has done was a test for others to follow and after the success in Allen County; other counties are following Allen's lead.

- Maps of Allen County are available at: www.acimap.us. These maps show individual records of who owns the properties.
- The Association of Indiana Counties awarded the Allen County Recorders office an Achievement Award for the work in getting all the records available online. The award stated that Allen County has made obtaining recorded records from Allen County more efficient and less costly.

Mike Green:

Mike Green is the Public Information Officer for Allen County. His presentation to the group focused on the different ways to get information on what is going on in and around Indiana. There are many new opportunities for associations to get information out to their residents as well as getting information from the various County offices. There are many new members and Associations getting their information available online.

Highlights of Mike's presentation:

Methods of getting information out:

- Word of mouth about meetings and gatherings
- Publish newsletters
- Fliers and posters
- Telephone trees
- US Mail

These all have their benefits, but they also can be slow, miss-communicated or delayed in getting information out.

New methods of getting information out:

- Email
- Electronic newsletters / publications
- Web Sites
- Social Networks
 - o These networks focus on building and reflecting relations among people who share interests / activities
 - o These are Web based
 - o These networks can be category based for easy access using many different search criteria.
- Several Social Networks: Facebook, Twitter, You Tube, MySpace, LinkedIn, Bebo.

The pros to Social Networks include:

- Easy to stay connected to your neighbors-neighbors
- Easy to spread information quickly
- Can promote meetings / activities
- Can share information among other associations
- Used readily by younger people and can get the message out to them.

- Free to use and also easy to use.

The concerns about Social Networks include:

- There are maintenance issues that need to be addressed.
- Can be difficult to get people to come on board.
- These sites reduce face-to-face contact and interaction.

Mike suggested that these Social Networks can be used to supplement, not substitute your current methods of communication.

He showed the group several online options available and referenced the Neighborhood Link National Network. Here one can enter information about his/her association, and it will be stored and readily available to others.

Mike also showed the group the heartstonevillagecommunityassocaion.com site. This site had plenty of information available online for residents to remain connected. There were picture pages, past newsletters, meeting notices and other general information available. If one has a resident who is computer savvy, that person may be able to help set up a site for your association. The person can also teach one how to maintain the site after it is up and running.

Mike showed the group how Facebook can be used and set up to build a page for an association. Twitter is a great way to get information out quickly. He showed Tweets that he had sent about upcoming events and meetings. These go out instantly to all who have access to the Web. These sites are rapidly growing in popularity; are a great way to supplement what one is currently doing to get information out and are proving to be a valuable resource.

During the open discussion, it was stated that webs.com is a site that encompasses all aspects of Facebook, Twitter, etc. The best thing is this site is free to use!

A final note before the meeting closed: The April ACNA Meeting is being moved to Monday April 26, 2010 in the **City Council Building City Council Chambers (Room 126)** at 7:00pm. This is a different day and room for the meetings.

Joanne informed the group that at this meeting, Cheri Becker from Leadership Fort Wayne will be the main speaker. Cheri will be there to gather feedback on what the people that come to these meetings want to see. All topics are open at this meeting. This will be a great time to share what is informative, liked or disliked about the ACNA.

Note: Monday April 26, 2010 at 7:00pm.

The meeting adjourned at 8:30pm. Refreshments were served.