

Eagle Tree Homeowners Association

Meeting of Board of Directors 2004-2005

Date: January 11, 2005

Location: 501 Kachina

Members Present: Mike Treat, Johnny Hutchison, Ernest Latta, Roy Hunter (acting President), Shirley Sterling, Steve Schneider


Member(s) Absent: Paul Gillette (Posttraumatic stress from OU game 1/4/2005 surmised to be reason for the President's absence)

Visitor(s) Present: none

Agenda

- **Minutes from November meeting reviewed.**
 - o Motion made by Latta, seconded by Hutchison that the minutes from the previous meeting be approved as written.
- **Old Business**
 - o Light at mailboxes installed. Tommy Bezner graciously provided labor, ditching, etc. A letter of thanks will be sent to him from the Assoc.
 - o Road repair on Dowell Rd. 'dip' accomplished.
 - o Holmes construction has been consulted regarding road improvement. If base exists and is sufficient, an overlay can be accomplished at a fee that is somewhat lower than previously discussed. Core to determine status of base is pending.
 - o Tax exempt status discussed by Hutchison. He will have a comprehensive report and a completed application ready for signature at next meeting.
 - o Treat will have sample verbiage for common area signs sent to members prior to next meeting so that a final decision can be made in February.
 - o Invoices mailed first week of January with good response. March 1 set as deadline for 2005 membership directory inclusion. Sign will be posted at mailboxes announcing deadline.
 - o Newsletter reported to be ready to finalize at next meeting.
 - o Letter to be sent to homeowner who has multiple untagged cars on his property -- a violation of restrictions.
 - o Letter of inquiry will also be sent to homeowner who 'sponsors' large gatherings for some type of racing. Multiple complaints have been received.
- **New Business**
 - o Deferred until next meeting
- **Next Meeting**
 - o February 8, 2005 at home of Mike Treat, 901 Mulberry
- **Meeting Adjourned**

Respectfully submitted,


Steven C. Schneider, Secretary/Treasurer


Paul Gillette, President

Eagle Tree Homeowners Association
Meeting of Board of Directors 2004-2005

Date: February 8, 2005

Location: 901 Mulberry Tr.

Members Present: Mike Treat, Johnny Hutchings, Ernest Latta, Roy Hunter, Paul Gillette,

Members Absent: Shirley Sterling, Steven Schneider

Visitor(s) Present: none

Agenda

Minutes from December meeting reviewed

- Motion made by Treat, seconded by Latta that the minutes from the previous meeting be approved as written.

Old Business

- Reviewed and discussed Dowell road paving improvements Core samples have been taken from Dowell road. Analysis to be given at later date.
- Holmes Construction believes road base is good enough to overlay vs. complete rebuild.
- Reviewed letter from 1st assistant DA regarding road district formations. Document will be attached to minutes.
- Reviewed wording for commons area signs as provided by Mike Treat One change made to proposed sign was add Current Paid Members Only Mike Treat will order 5 signs as written to be placed in commons area.
- Reviewed Tax Exempt Status for Association Johnny Hutchings Read criteria and members discussed. No action taken.
- Discussed Pipeline removal project thru Eagle Tree.

New Business

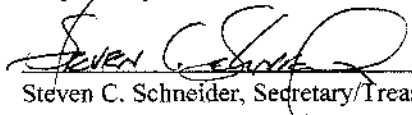
- March Meeting Members need to finalize Association Directory
- March Meeting Members need to set date for Dowell Road Cleanup and Picnic.

Next Meeting

- March 3rd First Thursday In March at the home of Ernest Latta.

Meeting Adjourned

Respectfully submitted,


Steven C. Schneider, Secretary/Treasurer


Paul Gillette, President

SELL AND GRIFFIN, P.C.

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Attorneys at Law*

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February 8, 2005

Eagle Tree Homeowner's Association, Inc.
Attn: Mr. Roy Hunter
8001 S.W. 34th
Amarillo, TX 79121

**VIA FACSIMILE NO. 359.0753
AND FIRST CLASS MAIL**

Re: Common Areas

Dear Roy:

Pursuant to your request, I have reviewed the following:

- A. Articles of Incorporation of Eagle Tree Homeowner's Association, Inc.;
- B. Bylaws of Eagle Tree Homeowner's Association, Inc.;
- C. Covenants and Restrictions recorded in Vol. 1715, Page 822, Official Public Records of Potter County, Texas;
- D. Covenants and Restrictions recorded in Vol. 1945, Page 124, Official Public Records of Potter County, Texas;
- E. Warranty Deed dated May 23, 1995, from Eagle Tree Development Corporation, as Grantor, to Eagle Tree Homeowner's Association, Inc., as Grantee, recorded in Vol. 2501, Page 463, Official Public Records of Potter County, Texas; and,
- F. partial copy of the Plat of Eagle Tree Unit No. 2; and,
- G. partial copy of the Plat of Drippin' Springs Unit No. 1.

You have asked me to give you my opinion as to whether or not the Eagle Tree Homeowner's Association, Inc. (**the "Association"**) can sell the common areas described in the Deed described in Paragraph E above.

Subject to the following comments and requirements, it is my opinion that the Association may be entitled to sell the common areas to an individual for use subject to the restrictive covenants on the property.

1. In the Restrictive Covenants described in Paragraph D above, a reference is made to correcting an omission in Paragraph 9.02 of the Restrictions recorded in Vol. 1943, Page 706, Official Public Records of Potter County, Texas. The document recorded in Vol. 1943, Page 706, was not furnished for review; therefore, such document should be reviewed to determine whether it has any bearing on the issue.

2. Since it is difficult to know what may affect title to the common areas without having a complete title examination, I suggest that a contract be prepared for the sale of the common areas to a buyer. The contract should be contingent upon a title insurance company agreeing to insurance title to the property without an exception regarding use of the common areas by the buyer.

3. Before the contract suggested in Paragraph 2 above is signed by the President, a meeting of the members of the Association should be called pursuant to Section 13.02 of the Bylaws. If at least 50.0% of the members pursuant to Section 13.04 of the Bylaws are present at the meeting and a majority votes to sell the property, subject to the other provisions of this letter, it is my opinion that the President may enter into a contract for sale of the the common areas. The notice sent to members should specifically state that the purpose of the meeting is to approve the sale of the common areas to a third party without any restriction as to common area use.

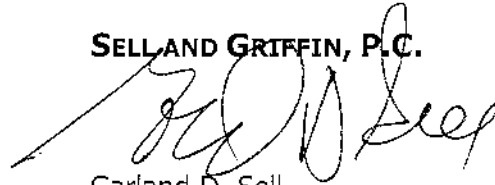
4. The Plats described in Items F and G above are not legible. A legible copy of the plats should be obtained for review to determine if there are restrictions on the common areas. If there is a restriction on the Plats restricting the use of the common areas, you may not be able to sell the common areas without 100.0% vote of all members of the Association. There is a handwritten note with the information furnished to me stating that the Plat recorded in Vol. 1671, Page 167, contains a note that the common areas are to be owned and maintained by the Association. This does not say that the Association cannot sell the common areas. Further review of the Plat is necessary before a final conclusion can be made.

5. The information you furnished me indicates that Robert Bauman is the registered agent for the Association and the registered office of the Association is at #12 Medical Drive, Amarillo, TX 79106. If the registered agent and office have not been changed, I suggest that the Board of Directors meet and pass a resolution authorizing the change of the registered agent and office. I am aware that Robert Bauman is no longer maintaining an office at the current registered office. I am also aware that Robert Bauman probably does not wish to continue to serve as registered agent of the Association. Any change of the registered agent or office must be filed with the Secretary of State of Texas.

If you have further questions, please call me.

Sincerely,

SELL AND GRIFFIN, P.C.

A handwritten signature in black ink, appearing to read "Garland D. Sell", written over the printed name below.

Garland D. Sell

GDS/ems

Eagle Tree Homeowners Association
Meeting of Board of Directors 2004-2005

Date: March 8, 2005

Location: 1404 Daws

Members Present:

Paul Gillette, Johnny Hutchison, Ernest Latta, Roy Hunter, Shirley Sterling, Steve Schneider


Member(s) Absent:

Mike Treat

Agenda

- **Minutes from November meeting reviewed and approved.**
- **Compliance with restrictions were discussed. Complaints regarding possible commercial activity, excessive noise and noncompliant vehicles were noted. Letters to be sent to homeowners in order to resolve complaints.**
- **Dowell Road Clean-up and Picnic**
 - o Clean-up scheduled for April 30, 9:00 a.m. to 12:00 noon
 - Sterling to coordinate
 - Door prizes will be offered
 - o Picnic scheduled for June 11, 5:00 p.m.
- **Newsletter to be finalized by email**
- **Next Meeting**
 - o April 12 at 1600 Charolais Trail
- **Meeting Adjourned**

Respectfully submitted,



Steven C. Schneider, Secretary/Treasurer



Paul Gillette, President

Eagle Tree Homeowners Association
Meeting of Board of Directors 2004-2005

Date: April 12 2005

Location: 1600 Charolais Trail

Members Present:

Paul Gillette, Johnny Hutchison, Ernest Latta, Roy Hunter, Steve Schneider

Member(s) Absent:

Mike Treat, Shirley Sterling

Agenda

- **Minutes from the March meeting reviewed and approved.**
- **Letters to residents regarding compliance to restrictions was discussed. Letters for the Daniels, the Escamillas and the Sharps were prepared to send.**
- **Newsletter to go out this month**
- **Poisoning of a resident's dog was discussed. Motion was made by Hutchison and seconded by Latta to erect a sign at the mailbox area to discourage vandalism and malicious mischief with a \$250 reward for information leading to the apprehension of offender(s).**
 - Treat to see about sign
- **Dowell Road Clean-up and Picnic**
 - Clean-up scheduled for April 30, 9:00 a.m. to 12:00 noon
 - Sterling to coordinate
 - Hutchison will call Potter Co. to arrange for trash truck
 - Picnic scheduled for June 11, 5:00 p.m.
 - Gillette to alert Desperados for catering
- **Registered agent and address of the Association to be changed to:**
 - Johnny Hutchison
 - 950 Mulberry Trail, Amarillo, Texas 79124
- **Next Meeting**
 - May 16 at 501 Kachina
- **Meeting Adjourned**

Respectfully submitted,

Steven C. Schneider, Secretary/Treasurer

Paul Gillette, President

Eagle Tree Homeowners Association

July 2005

7/19/05

Member Forum

Present
Roy Hunter

Call to Order

Mike Trent

Review of Previous Meeting Minutes

Ernest Latta

Financial Report

Johnny Hutchison

Offices & Committees 2005-2006

Past President Paul Gillett

President Roy Hunter

President Elect _____

Secretary Treasurer _____

Minutes, Correspondence, & Directory

Commons Areas _____

Maintenance, Development, & Supervision

Activities _____

Annual Picnic & Special Events

Projects _____

Dowell Road & _____

Membership _____

Information, Development, & Recruitment Plans

Bylaws Articles I, II, & III

NOTES: No motions or business conducted.

President's presentation of meetings agenda & committee responsibility- assignments to be made in August meeting.

Next meeting Monday, August 15th @ 7:00 PM at Ernest Latta's home.

Eagle Tree Homeowners Association
Meeting of Board of Directors 2005-2006

Date: August 15, 2005

Location: 1404 Daws

Members Present:

Ernest Latta, Roy Hunter, Shirley Sterling, Steve Schneider

Member(s) Absent:

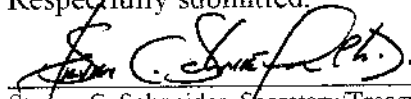
Johnny Hutchison, Mike Treat

Agenda

- Minutes from the July meeting reviewed and approved. Latta made, Sterling seconded motion.
- President will have Member Forum at each meeting for ETHOA members who would like to present issues, complaints, needs for the Board to consider
- Kyle Grigsby nominated and elected to board unanimously
- Offices and Committees for the 2005-2006 term are as follows:
 - o President – Roy Hunter
 - o President Elect – Mike Treat
 - o Secretary/Treasurer [Minutes, Correspondence, Directory, Finances] – Steve Schneider
 - o Commons Area Committee Chair [Maintenance, Development & Supervision] – Johnny Hutchison
 - o Activities Chair [Annual Picnic, Cleanup(s), Special Events] – Shirley Sterling
 - o Special Projects [Dowell Road & Other Projects] Chair – Ernest Latta
 - o Membership Chair [Promotions, Events, Records] – Kyle Grigsby
- **OLD BUSINESS**
 - o Outside Alert System discussed. Walt Kelley was consulted by President regarding emergencies in the community, e.g. tornados, fire, etc. Kelley suggested clock radio or alert monitor with unique frequency to be activated community-wide in the event of an emergency. President will purchase one personally in order to test efficiency/reliability and will recommend to the Association if viable.
 - o Sale of Common Area discussed. President will call for motion in September meeting to determine for the 2005-2006 Board term whether to sell or defer sale of common area.
 - o Concern by some residents regarding unusual activity in specified residence discussed. Issue appears to be one for county law enforcement.

- ATV/Dirt Bike Activity discussed. Problematic gatherings of recent past have been discontinued. Individual restriction infractions will be dealt with by the board as complaints from residents occur. General statement [by postcard?] to community residents will be considered. Draft copy by Schneider at next mtg.
- Registered agent and address of the Association to be changed as soon as ETHOA is reinstated as a corporate entity by the Secretary of State's office.
- **Next Meeting**
 - September 19 at 1600 Charolais Trail
- **Meeting Adjourned**

Respectfully submitted,



Steven C. Schneider, Secretary/Treasurer

Roy Hunter, President

Eagle Tree Homeowners Association

September 2005

Member Forum

Call to Order

Review of Previous Meeting Minutes
Financial Report

Offices & Committees 2005-2006

Past President	Paul Gillett
President	Roy Hunter
President Elect	Mike Treat
Secretary Treasurer	Steve Schneider
Minutes, Correspondence, & Directory	
Commons Areas	Johnny Hutchison
Maintenance, Development, & Supervision	
Activities	Shirley Sterling
Annual Picnic & Special Events	
Special Projects	Ernest Latta
Dowell Road & Other	
Membership	Kyle Grigsby
Promotions, Events, & Records	

Bylaws Articles IV & V

Old Business:

1. Outside Alert System Report / Action / Assignment
2. Sale of Commons Area / Motion
3. Occupancy Concern / Action / Violation?
4. ATV / Dirt Bike Activity / Action / Violation?

New Business:

1. _____
2. _____
3. _____
4. _____

Eagle Tree Homeowners Association
Meeting of Board of Directors 2005-2006

Date: October 10, 2005
Location: 501 Kachina

Members Present:

Roy Hunter, Kyle Grigsby, Ernest Latta, Johnny Hutchison, Mike Treat, Shirley Sterling, Steve Schneider

Member(s) Absent:

Agenda

- Minutes from the August meeting reviewed and approved. September meeting not held due to lack of a quorum.

- **OLD BUSINESS**
 - o Cleanup 10/22/2005 discussed. Time will be 10:00. S. Sterling is coordinating and will purchase food/supplies and two prizes (shop vac & upright vac) for membership raffle; set up membership table with raffle tickets. M. Treat will coordinate hot dog lunch. Signs will be posted on south of mailboxes, in announcement box, and on light pole on north of mailboxes.

- **NEW BUSINESS**
 - o K. Grigsby discussed membership efforts and individual concerns regarding resident compliance to covenants/restrictions. Compliance plan needed to ensure the Board's consistency of enforcement of covenants/restrictions.
 - o Plat maps of Eagle Tree and Drippin' Springs needed in order to update them. S. Schneider will obtain plat information and send in digitized format to M. Treat for printing.
 - o Issues to be discussed at next meeting:
 - Storm/weather alert system
 - Common area sale (up or down vote on sale to be conducted)
 - Common area upgrade
 - Dowell Road upgrade (R. Hunter to draft letter to Kirkwood regarding road improvement)
 - Registered agent status and reinstatement of corporation

- **Next Meeting**
 - o November 14, 2005 at 11700 Dripping Springs

- **Meeting Adjourned**



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Roy Hunter, President

Eagle Tree Homeowners Association

Meeting of Board of Directors 2005-2006

Date: November 14, 2005

Location : 11700 Dripping Springs

Members Present:

Roy Hunter, Johnny Hutchison, Ernest Latta, Shirley Sterling, Kyle Grigsby.

Member(s) Absent:

Steve Schneider

Agenda

- To begin planning for a Community Meeting to include North Dowell Road residents at Bushland High School in January, 2006.
 - 1.) Acquaintance and Fellowship
 - 2.) Public Service
 - a.) Dowell Road improvement possibilities
 - b.) Storm alert system information and recommendations
 - 3.) Presentation of proposal and voting procedures to offer the Sweetwater Trail Commons area for sale
 - 4.) 2006 ETHA Membership benefits
- Dowell Road Clean Up in May
- Annual Picnic in June

- OLD BUSINESS

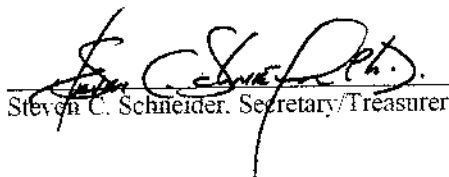
- 1.) Storm alert system equipment displayed
- 2.) Motion by Johnny Hutchison
 - The Eagle Tree Homeowners Association to enact the recommended procedures to offer the Sweetwater Trail designated Commons area for sale.
 - Motion second by Ernest Latta
 - Votes recorded in favor: Roy Hunter, Johnny Hutchison, Ernest Latta, Shirley Sterling, Kyle Grigsby.
 - Members contacted by telephone by President: In favor: Steve Schneider and Mike Treat

- Next Meeting

- December 12, 2005 at 1404 Daws Drive

- Meeting Adjourned

Respectfully submitted


Steven C. Schneider, Secretary/Treasurer

Roy Hunter, President

Eagle Tree Homeowners Association, Inc.

Eagle Tree Unit #2 and Drippin' Springs Unit #1, Potter County, Texas.

An Association Meeting will be held at Bushland High School, Monday, January 9, 2006 at 7:00 pm as called by the President and Board of Directors of the Association.

Along with topics of Community interest, a 2006 Resolution #1 will be presented for consideration for sale of the Commons Area consisting of approximately 3 + acres situated north of Sweetwater Trail and between Eagle Tree Unit #2, Lot 2, of Block 7 and the Eastern property boundary.

The Resolution will be voted on by the 2006 membership at a called meeting in February 2006. 2006 membership will be accepted by the association until Saturday, January 14, 2006 for determination for voter eligibility on the 2006 Resolution #1.

2006 "Member" refers to all lot owners who have joined the association and are current in paying association dues.

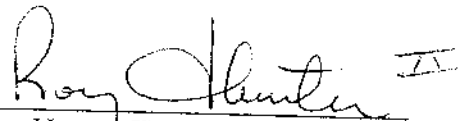
Each "Member" is entitled to one vote.

No lot shall carry with it more than one membership.

The February meeting must consist of 50% of the eligible membership and a majority of those present will be required to pass the Resolution.

In brief, the Resolution is proposed so that the President of the Eagle Tree Homeowners Association, Inc. may enter a contract for sale of the designated commons area property.

Members will be notified of the date, place, and time of the February meeting at least 10 days in advance.



Roy Hunter II

Eagle Tree Homeowners Association Inc.
December 12, 2005

To all of the home owners in Eagle Tree and Drippin Springs:

When we bought our property, 11 ½ years ago, we had our choice of many lots. We chose the lot we are on for the view. Our property is on the edge of the development with the exception of the common area now being proposed for sale. We tried to purchase the common area at the same time we purchased our property. We were told by the developer that the common area could not be sold to us or anyone else because the common areas had been designated as the property of the Home Owners Association and that there was no reason to worry about this issue. We could have built anywhere on our 10 acres. We built our home to take full advantage of the view, believing the common area would remain the property of the Home Owners Association.

We believe the mission and purpose of the Home Owners Association is to protect the property values and rights of its members. The sale of the common area is going to result in the devaluation of our property.

This issue has come up almost every year since the formation of the Home Owners Association and each time this issue has come up we have voiced our opposition to the sale of the common area adjacent to our property for the reasons mentioned above.

We are not the only ones who live next to common areas and stand to be hurt. There are other home owners who also were told these areas would not be sold and they bought their lots and built their homes accordingly.

This issue will be voted on in February at the next members meeting. At least 50% of the membership of the home owners association must be present at the meeting and a majority vote is needed to put this question to rest. To be eligible to vote you must have paid membership dues by this Saturday, January 14th. We ask, please that you come and vote not to sell the common area.

If you have any questions for us we would be happy to visit with you. Our number is 359-1665.

Respectfully,
Gregg and Tina Wingrove
900 Sweetwater Trail