

Response to Public Allegations and Accusations

Highpoint Trustees,

(email sent to trustees Tuesday, November 16, 2021 9:27 pm)

Effective Immediately, I am resigning from my seat on the HOA Highpoint Trustee. It has been made very clear that I have different views than those on the board, and differences in perceived views on what each trustee needs to bring to the table. **Clearly not following the by-laws is the direction of the HOA Trustees**, however it isn't an action I can overlook. Thank you for the opportunity to serve our Wonderful Highpoint community. Best of luck!

Benjamin Bellucci

[Benjamin Bellucci](#)

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Good Evening Wonderful Highpoint Community, there is a select few on the board that believes Social Media isn't a form of communication. **I can no longer be part of an organization that willfully disregards the bylaws registered with the State of Ohio.** I will not put my personal or reputation on the line for the ego of a few. It was an honor to serve you. Please direct any questions you have to the Highpoint Trustees, Thank you!

[Benjamin Bellucci](#)

Hi Everyone, please be aware we have two seats that are opening up in January. **Ken and Bobs seats are available to integrity, honesty and more importantly what is the best for our community.** Please place your applications in so that you maybe elected into serving our great community. Any questions direct them to our trustees. Thank you

HIGH POINT NEWSLETTER January 2017 (Initial introduction of proposed Bylaw changes)

For many years association trustees have contemplated the need to make changes to the association governing By-Laws. We believe the time has come to update the original governance documents prepared by Parkview Homes in 1976.

These changes are complicated and will require the attention of all property owners in High Point. A special mailing is being sent with the necessary information to understand what is being proposed. You should have received your 2017 Dues Invoice already. This Newsletter is coming out the first week in January and the special Vision 2020 mailing will be on its way in just a few days.

Our Covenants & Restrictions are deed-restricted, which means each property owner must accept them at the point of purchase. Title and escrow companies that handle the transfer of ownership are responsible for ensuring that new owners are aware of and agree to the deed restrictions as part of the ownership transfer. These set up the association as a governing body with the ability to levy annual dues and special assessments to pay for the maintenance, repair and replacement of the association amenities. Our association By-Laws contain the details of day-to-day operations and the administration of the association by the board of trustees. Both work together.

To change the association Covenants & Restrictions, it requires approval from 90% of the owners in High Point. We do not see a need to make any changes to the Covenants & Restrictions, but believe three changes to the By-Laws are needed. It takes a majority of the owners (320 of the 640 properties) to change the By-Laws. This is a nearly impossible task. Our experience in 1994 with the High Point 2000 plan for improvements proved how difficult this is. It took six months to obtain a majority vote for improvements funded without a dues increase. These operational changes to the By-Laws are very important to manage the daily operations of the association.

Briefly, here are the three changes and their related By-Laws section reference. You can find the By-Laws on our website under the Covenants & Restrictions tab.

- **Article V – General Powers of the Association – Section 1 (c)** – *this is about spending authority for the trustees*
- **Article VII – Officers – Section 6 – The Treasurer** – *this changes from an audit to financial review*
- **Article VIII – Meetings of Members – Section 4 – Quorum, Adjournment** – *this modifies the trustee election*

Please look for a special Vision 2020 mailing in your mailbox soon. Information can also be found on our website, a tab "Vision 2020." A ballot is required for owners to complete for the three changes to the By-Laws. You will find a ballot included with the special mailing and it is also on our website. If you have questions, you can contact the Homeowner Hotline, send an email to trustees, call any trustee or attend the Annual Meeting at the clubhouse on Thursday, January 19 at 8:00 pm.

Association trustees worked for 3 years to obtain resident votes to change the Bylaws (including being at the pool, through newsletters and going door-to-door) to collect ballots. After 3 years with less than 250 ballots, the trustees gave up with overwhelming disinterest by residents, despite the clear majority of ballots cast in favor of changes. Three changes were proposed. They are listed below and show the proposed changes.

2017 Member Ballot – Modify By-Laws

High Point Member Name(s) - (please print) _____

High Point Property Address _____

The undersigned Member(s) of the Unit identified above, hereby vote with an "X" as below:

High Point Association trustees have called for a vote to amend the Association By-Laws with three changes. Please cast your ballot using this form. Only ONE ballot is necessary to vote on all three individual proposed changes.

Change #1 – By-Laws Proposed Change

By-Laws – Article V – General Powers of the Association – Section 1 (c) [Shown with proposed changes]

(c) Capital Additions and Improvements. The Association’s powers herein enumerated shall be limited in that the Association shall have no grant the trustees authority to acquire and pay for out of the maintenance fund any capital additions and improvements, having a total cost in excess of Three Thousand Dollars (\$3,000.00), nor shall the Association authorize any structural alterations, capital additions to, or capital improvements of the Common Properties requiring an expenditure in excess of Three Thousand Dollars (\$3,000.00) necessary to maintain or improve the association, and provided such projects in excess of \$20,000 are presented at a meeting of the Members; structured with specified contractual criteria and bid out to multiple contractors; paid for with budgeted funds; and are in congruity with the current published ten-year budget projection and most recent Reserve Study. Projects that require any special assessment must or any without in each case obtain the prior approval of the Members of the Association entitled to exercise a majority of the voting power of the Association;

FOR Change #1 to By-Laws – 244 AGAINST Change #1 – 12

Change #2 – By-Laws Proposed Change

By-Laws – Article VII – Officers – Section 6 – The Treasurer [Shown with proposed changes]

The Treasurer shall keep proper books of account and cause an annual audit Financial Review of the Association books to be made by a certified public accountant at the completion of each fiscal year. He shall prepare an annual budget and an annual balance sheet statement and the budget and balance sheet statement shall be presented to the membership at its regular annual meeting.

FOR Change #2 to By-Laws – 246 AGAINST Change #2 - 10

Change #3 – By-Laws Proposed Change

By-Laws – Article VIII – Meetings of Members – Section 4 – Quorum, Adjournment [Shown With proposed changes]

Except as may be otherwise provided by law or by the Declaration, at any meeting of the Members of the Association, the Members of the Association ~~entitled to exercise a majority of the voting power of the Association~~ present in person or by proxy shall constitute a quorum for such meeting, provided, however, that the Members of the Association entitled to exercise a majority of the voting power represented at a meeting of Members, whether or not a quorum is present, may adjourn such meeting from time to time. If any meeting is adjourned, notice of such adjournment need not be given if the time and place to which such meeting is adjourned are fixed and announced at such meeting.

FOR Change #3 to By-Laws - 239 AGAINST Change #3 - 16

Signature _____

Date _____

(Only one signature is required from a co-owned unit, where that one Member states that he/she represents the entire vote of the Member Unit.)

50% of residents (322) necessary to approve change to Bylaws

High Point Association Bylaws

Full document can be located on association website – www.hpohio.com

Article I – Definitions- Defines Association, Properties, Living Unit, Lot, Owner and Developer.

Article II – Membership – Defines rights with payment of assessment and suspension of rights.

Article III – Voting Rights – Assigns classes of membership and voting rights by category.

Article IV – Property Rights and Rights of Enjoyment – For owner and lessee of term greater than one year.

Article V – General Powers of the Association

Section 1 – Payments from Association Funds

- (a) Care of Common Properties – Requires care of the common properties.
- (b) Wages and Fees for Services – **This gives trustees authority to pay any person or persons for maintenance or operations services provided to the association.**
- (c) Capital Additions and Improvements – This is a section that the trustees unsuccessfully attempted to change. **This restricts the trustees from spending more than \$3,000 for any structural alterations, capital additions to, or capital improvements without in each case the prior approval of a majority of members entitled to vote.**
- (d) Liability Insurance – Appropriate insurance is in place and reviewed annually.
- (e) Workmen’s Compensation – This is paid as required for one part-time clubhouse manager.
- (f) Discharge of Mechanics Liens – None have ever been placed against the association.
- (g) Additional Expenses – Allows discretion of trustees to pay for additional expenses for the materials, supplies, labor, services, maintenance, repairs, alterations, insurance as needed.

Section 2 – Rules and Regulations - By vote of the Members entitled to exercise a majority of the voting power, the Association, may adopt such reasonable rules and regulations and from time to time amend the same supplementing the rules and regulations set forth in the Declaration and these By-Laws as it may deem advisable.

Section 3 – No Active Business Conducted for Profit – Association has no authority to conduct a business for profit on behalf of all of the members or any of them.

Section 4 – Delegation of Duties – Allows trustees to delegate responsibility to third-parties to carry out duties required to manage the association and pay for such services as necessary.

Section 5 – Applicable Laws – Statutes and laws prevail over the Covenants & Restrictions and Bylaws.

Section 6 – Addition to Properties and Membership – Covenants & Restrictions regulate the process for adding to the properties and membership.

Article VI – Board of Trustees

Section 1 – Number and Qualifications – Board of five trustees who must be members.

Section 2 – Election of Trustees; Vacancies – Provides for the means to elect trustees at the annual meeting and to appoint individuals by the board to fill vacancies for the unexpired term. This is a section the trustees tried unsuccessfully to change.

Section 3 – Term of Office; Resignations – Two-year term from annual meeting.

Section 4 – Organization Meeting – Trustees meet after annual meeting to elect officers.

Section 5 – Regular Meetings – Regular meetings of the board, but no less than 4 per year.

Section 6 – Special Meetings – Three trustees may call special meeting with 2 days notice.

Section 7 – Quorum; Adjournment – A quorum is a majority of the board of trustees.

Section 8 – Removal of Trustees – Trustees can be removed with vote of 75% of the board.

Section 9 – Fidelity Bonds – Fidelity bonds in place for trustees with access to association funds.

Section 10 – Indemnification of Trustees – Trustees will be indemnified except for willful misfeasance.

Article VII – Officers

Section 1 – Election and Designation of Officers – Board shall elect President, Vice President, Secretary, Treasurer and may appoint additional officers as necessary. Board has operated without officer designations. Instead, while accomplishing the enumerated tasks and duties, the board operated by consensus of equal members. Established practices have ensured all

board responsibilities have been handled by board members.

Section 2 – Term of Office; Vacancies – Establishes term for one year from annual meeting.

Section 3 – The President – Shall preside at all trustee meetings, sign all notes, checks, leases, mortgages, deeds and all written instruments, which shall be countersigned as below.

Section 4 – The Vice President – Shall perform all duties of President in his absence.

Section 5 – The Secretary - Ex-officio secretary of the board, shall record votes and keep minutes, sign all certificates of membership. Keep all records of association. Keep record of all members and countersign all leases, mortgages, deeds and other instruments.

Section 6 – The Treasurer – Shall receive and deposit all monies and disburse funds as directed by the board, except disbursements as necessary for ordinary business conducted within the limits of the budget. Checks to be counter-signed by President or Vice President. Keep proper books for an annual audit by a CPA. Shall prepare annual budget and balance sheet statement.

Section 7 – Other Officers – Additional officers to perform duties as determined by board.

Section 8 – Delegation of Authority and Duties – Board is authorized to delegate the authority and duties of any officer to any other officer and require performance of duties as necessary.

Article VIII – Meetings of Members

Section 1 – Annual Meeting – Annual Meeting is held in January. Trustees have authority to change from 3rd Saturday at 10:00 am, which was the original annual meeting date.

Section 2 – Special Meetings – Establishes requirements for special membership meetings.

Section 3 – Notice of Meetings – Written notice by delivery or mail not less than 7 days prior.

Section 4 – Quorum; Adjournment – A quorum is required for any meeting, which is a majority of members, present or by proxy, to transact business.

Section 5 – Majority Vote – A vote where a majority of the quorum shall be binding on all members.

Section 6 – Order of Business – An order of business is to be followed for member meetings.

Article IX – Proxies

Section 1 – Authorized – Members may vote in person or by proxy.

Section 2 – Requirements and Duration – Proxies must be in writing and last no more than 11 months.

Section 3 – All Proxies Revocable – A member may revoke a proxy at any time.

Article X – Determination and Payment of Assessments

Section 1 – Obligation to Pay Assessment – Every lot with a house or leased unit is obligated to pay.

Section 2 – Preparation of Estimated Budget – A 10-year budget projection is in January newsletter.

Section 3 – Reserve for Contingency and Replacement – Follows Reserve Analysis on HP website.

Section 4 – Budget for First Year – HP is well beyond the first year.

Section 5 – Failure to Prepare Annual Budget – Failure does not remove assessment obligation.

Section 6 – Books and Records of Association – Records must be open to members upon request.

Section 7 – Status of Funds Collected by Association – Funds must be available to pay expenses.

Section 8 – Remedies for Failure to Pay Assessment – Authority for trustees to collect assessments.

Article XI – Amendments

Section 1 – Procedure – Bylaw amendments require majority of quorum present or by proxy.

Section 2 – Conflicts – Covenants & Restrictions are superior to Bylaws.

Article XII – General Provisions

Section 1 – Copies of Notice to Mortgage Lenders – Completed by Bob Campo & Ken Evans.

Section 2 - Service of Notice on Devisees and Personal Representatives – Completed as necessary.

Section 3 – Disposition of Assets Upon Dissolution – Has never been necessary.

Section 4 – Non-Waiver of Covenants – All covenants have been enforced.

Section 5 – Agreements Binding – All agreements preserved to be binding on all residents.

Section 6 – Severability – Each section of the Bylaws stands on its own.