

**Avalon Homeowners Association**  
**2009 Annual Meeting**  
**December 6, 2010**  
**Minutes**

**Call to Order – Jerry Davis**

The Annual Meeting of the Avalon HOA was called to order at 6:05 PM in the Jubilee Baptist Church, located at 9264 Pleasant Road, Daphne, AL.

**Quorum – Jerry Davis**

It was recorded that 35 Members were signed in plus 3 proxies presented. This number meets the quorum of 25% of the Voting Right established in the Bylaws.

**Minutes of 2009 Meeting – Jerry Davis**

Minutes of the 2009 Annual Meeting had been posted on the Avalon HOA website since January 2010 and the corrections recommended were posted to the minutes. Ralph Stemp (Lot 117) moved and Gene Evans (Lot 127) seconded that the minutes be approved as posted on the website. Motion passed.

**Treasurers Report – Lori Collins**

A copy of the 2010 budget with up to date expenditures is attached. This is the document that was handed out at the meeting. Out of 129 lots in Avalon only one homeowner has failed to pay 2010 dues. There are six vacant lots originally owned by builders that did not pay their 2010 dues. Two of these lots have been repossessed by the bank and we are attempting to determine if the other four have also been repossessed. All six lots have liens filed against them so when the lots eventually sell we will receive the dues. Based on last years spending and projected spending for 2011 the Board had set the 2011 dues as \$300.00. Lori explained that the contract for the new sidewalk and ramps has been signed but the payment for that improvement will be paid out of 2011 funds so that is the reason for the \$11,000.00 amount under Neighborhood Improvements in the 2011 budget. No comments or questions were made by the homeowners present.

**Architectural Control Committee – Kim Miles**

Bids were solicited this year for our landscaping in 2011. Kim received three bids to include our current contractor, Coastal Exposures Landscape, Inc. Coastal was the low bidder and came in \$1,000.00 lower than last year. Kim was able to secure their bid as a three year contract that locks in the same reduced cost for three years.

**Common Area Behind Lots 1-4 – Jerry Davis**

This issue has consumed many hours of the Boards time in the past year. Because this parcel of common land is not accessible for maintenance except by crossing the property of one of eight Avalon homeowners, the Board attempted to deed this common land to the homeowners of lots 1-4. This transfer would have eliminate HOA responsibility for maintaining this parcel of common land but we were not able to meet the requirements of Baldwin County to transfer the land. At present the Board has asked for written permission from one of eight homeowners, whose property butts up against the common area, to access the common area by crossing their land when maintenance such as mowing the grass is necessary. To date, none of the eight homeowners has granted that permission so the Board continues to seek resolution of this issue.

### **Update of Lawsuit Against Avalon HOA – Don Presley**

Don Presley (lot 17) presented an update on the lawsuit filed against the Avalon HOA and others in May 2008. After the original lawsuit was filed, a Summary Judgment was requested for and filed on behalf of the Avalon Homeowners Association. Judge Robert Wilters granted our motion for summary judgment (this ruling absolved the Avalon HOA from any liability) and this motion has been upheld on two different occasions. The summary judgment was appealed to the Alabama Court of Appeals and early in 2010 the Appeals Court returned the appeal to the lower court as there was a counter suit filed against the plaintiff of the original suit and the Appeals Court deemed them as all part of the same issue so the lower court needed to rule on the counter suit before the Appeals Court could evaluate the appeal. Everyone associated with this suit had anticipated that this would have been resolved more than a year ago but it has not. Monetary liability for the Avalon HOA, which is extremely unlikely, would be covered under the liability insurance policy the HOA, maintains with State Farm Insurance. Any changes in the status of this law suit will be reported on the Avalon web site under “Avalon Insider”

### **Improvements In Avalon – Jerry Davis**

Over the past year the HOA Board has evaluated several projects to enhance the appearance and safety of Avalon. The projects and their status are listed below:

Decorations – Mardi Gras decorations for the entrance area were purchased and displayed early in the year.

Sidewalk – a contract has been signed and the contractor has started to construct a sidewalk in the common area around the pond. This will provide a continuous sidewalk in this area and reduce walking in the street. This project is scheduled for completion by December 22, 2010.

Ramps – under the same contract for the sidewalk the contractor will construct 10 concrete ramps that connect the sidewalk and curb at the 5 intersections in Avalon. This will provide a continuous hard surface for wheelchair and stroller crossing at the five intersections.

Benches – under the same contract for the sidewalk the contractor will construct four 4' X 6' concrete pads around the pond area where benches will be purchased and mounted.

Gazebo and Fence Cleaning and Staining – a contract was signed with a local painter to pressure wash, sand where needed, and stain the entire gazebo and wooded sections of the fence on CR 54. This project has been in progress for two weeks and is scheduled for completion by December 13, 2010.

Catchment Basin Covers – Around the pond area there are several concrete catchment basins that are not covered and could potentially cause injury to anyone falling into the basin. The Board has requested an evaluation from the engineer firm of record for the surface water drainage system in Avalon. It is necessary to obtain a letter from this firm and present it to Baldwin County for approval before any changes can be made to the system. As soon as the approval is obtained the basins and large drain openings will be covered.

Work Day Nov 13<sup>th</sup> – only 5 homeowners participated in this effort to move some azaleas.

Entrance Lighting Upgrade – due to constant problems with the existing low voltage lighting that was installed by the developer and a need for 115v to illuminate holiday decorations, the Board contracted to upgrade the lighting that will be ready for our Christmas decorations.

New Signs – the Board purchased three new signs that will be installed in common areas where vehicular traffic has been noted on the grass. Signs will not be installed until the sidewalk is completed.

### **Retention Pond Evaluation and Management – Jerry Davis**

The Avalon pond received an evaluation from the State Extension Agency in September. The agent found no significant problems with the pond and the only recommendation was to not let the cat tail plants to overtake any additional area around the pond. The agent sent a packet of information about pond management and Jerry asked for a volunteer to manage the pond. After the meeting ended Gene Evans (lot 127) volunteered to manage the pond.

### **New Rules and Regulations – Kim Miles**

This subject was initially introduced in an Email message to all homeowners prior to the meeting and a copy of the DRAFT Rules and Regulations (attached to these minutes) were handed out to anyone attending the meeting that did not bring a copy. Kim explained the need for this action is based on a very few homeowners who continually violate the restrictive covenants or do not maintain an appropriate appearance of the exterior of their homes. These draft rules were developed based on the recommendation of the Avalon Attorney, James Pittman, Jr. Esq. It was explained that this is still in the draft stage and the Board is open to comments and recommendations. The Board has received some recommendations and will continue to do so until finalized. Discussion followed on several of the violations and fines. Some concern was expressed by Paul Brown (lot 16) regarding the length of time an owner can have his boat in the driveway as sometimes maintenance requires more than 48 hours. Jorge Torres (lot 13) expressed the opinion that the road belongs to the county and the HOA has no right to direct how that area is used. Kim explained the need for clear access for emergency vehicles and the liability the HOA faces if this is not addressed and controlled. Bill Peevy (lot 71) asked when a vote would be taken on these rules? Kim explained that the Rules and Regulations will be a Board approved document and individual homeowners will not be voting on this issue. The Board does, however, desires comments and recommendations from homeowners before they become finalized. This action has been taken as a result of our attorney's recommendation. Bill Peevy stated he did not agree. Steve Barfield (lot 28) explained that this is a very common for any HOA Board to approve rules and regulations without a vote of the homeowners, as it is a necessary tool to maintain the appearance and value of the properties in a development. Kim explained that currently the only action the ACC can take regarding a violation of the Restrictive Covenants is to send a letter and with a few homeowners the letters do no good. Question was asked what is an "approved" RV? When a homeowner has made a written request to store an RV, trailer, etc. to the Architectural Control Committee and has received written approval that constitutes an "approved" RV. A homeowner asked what is the difference between routine maintenance and changes/renovations? Kim indicated that if the activity does not change the outside appearance of the home it is maintenance and does not require approval but if any appearance is changed such as paint color, planting a tree, or an addition to the home that is a change and requires approval of the ACC. The Board agreed to better clarify the document before finalized. The Board again encouraged homeowners to send comments and recommendations for the Rules and Regulations as every comment will be fully evaluated. When the document is finalized it will be placed on the web site with some lead time before the ACC begins to enforce the rules.

### **Contracting with a Management Company – Jerry Davis**

Over the past several months the Board had been attempting to identify homeowners willing to be nominated for the Board but no one had been willing to accept. This and the lack of participation at the last work day lead the Board to evaluate the possibility of turning the management of our association over to a management company. The Board explored this possibility and determined the cost to be \$8,000.00 to \$10,000.00. When this possibility was communicated to the homeowners many negative responses were returned to the Board and four homeowners agreed to have their names placed in nomination for the 2011 HOA Board. The Board explained that using a

management company is not ideal for many reasons and this action would not be taken at this time and would not be taken as long as Directors positions continue to be filled and the elected Directors continue to take full responsibility for the day to day operation of the HOA.

### **Christmas Decorating Contest – Lori Collins**

Avalon will hold its second annual Christmas Decoration Contest for outdoor decorations. The judging will be completed between the hours of 6 PM and 8 PM Dec 20-22. Gift cards will be awarded to the top three homes \$50.00 for first and \$25.00 for second and third. Results will be posted on the Avalon web site.

### **Neighborhood Watch Signs – Jerry Davis**

The neighborhood watch committee, organized two years ago never got off the ground due to lack of homeowner interest. Signs were made and will be placed at the entrance to Avalon even if there is no active committee. If in the future there is any interest the Board will support their organization.

### **Avalon Yard Sales – Kim Miles**

In past years Avalon has had community yard sales with mixed results. When questioned, the homeowners believed it was a good idea to hold community sales and that having two a year, spring & fall, was appropriate. Due to the past problem of driving vehicles on the grass in the area around the pond, all agreed that during these community yard sales homeowners would restrict sales to their individual properties. Having these two community events does not preclude any homeowner from holding a yard sale on their own property. Dates for the two sales would be announced within the next month and volunteers were requested for the two dates. The coordinator would be responsible for advertising (paid by the HOA) in local papers, putting up signs in the area, and getting word out to Avalon homeowners. Later in the meeting Ms. Sherry Alexander (lot 40) volunteered to coordinate the spring yard sale and Ms. Nicole Shipman (lot 89) volunteered to coordinate the fall sale.

### **Avalon Website – Jerry Davis**

Due to low volume of use, the Board requested input from the homeowners as to the value of the web site. The response was totally in favor of keeping the web site as it is a valuable location for homeowners and prospective homeowners to obtain needed information. Mike Lehan (lot 12) expressed a concern that as a prospective homeowner he looked at the web site but was not able to obtain too much useful information. After the meeting adjourned, Mike volunteered to be part of a committee that would improve and manage the web site. Several suggestions were made to improve the website such as making the Restrictive Covenants public for prospective buyer and renters. The homeowners, present, all felt it was helpful to get an Email message when something valuable was put on the web site. The Board had discussed at a previous meeting not to allow renters in Avalon password access to the web site but that if the homeowners desired their renters to have full access they must give them their login and password. After the meeting adjourned, two additional homeowners, Josie Calloway (lot 67) and Dan Detman (lot 76) volunteered to help with the web site.

### **Official Email Address For Avalon Homeowners – Lori Collins**

Since the decision at last year's homeowner's meeting to use Email as the "Official" means of notification for Annual Meetings, the Board has occasionally struggled to keep the addresses up to date. This is especially difficult with foreclosures and even with home sales. A few homeowners have requested to have a second Email address used for the official notification. Lori explained that

it is extremely challenging to maintain one Email address for each homeowner and the board decided not to add to the challenge by adding more Email addresses. It was explained that most Email services have the ability to forward messages, sent from a specific address, to a second address and this set up can be used for those who want a second address notified of official communications.

#### **Rental Homes In Avalon – Lori Collins**

Over the past several months the Avalon Board has received a few complaints about the allowing of homes in Avalon to be rented. Lori explained that there is nothing in our Restrictive Covenants that restricts this arrangement and legally it would be impossible to enforce. The alternatives of leaving a home vacant or having the home foreclosed is a far worse situation. No questions or comments were expressed from the homeowners.

#### **Nominations/Election of Two Board Members – Jerry Davis**

The Board has four names to place in nomination for the Avalon Board of Directors: Steve Barfield (lot 28), Dan Detman (lot 76), Josie Calloway (lot 67), and Michael Rader (lot 72). When nominations were requested from the floor, Frank Trotter (lot 4) asked to have his name placed in nomination. There were no further nominations from the floor and each nominee was given an opportunity to tell a little about themselves and why they wanted to serve on the Board. Each homeowner was given a ballot when they signed in and that ballot was now used to vote for two of the five nominees. The ballots were collected by Mary Vining. A lot number was drawn from a hat to select a homeowner to assist with counting the ballots. Lot # 18 was selected and Sharon Dearmon assisted Mary Vining with the count. The ballots and official count will be maintained by the Secretary. The two nominees with the most votes were, Dan Detman and Frank Trotter who will serve up to three years on the Board.

#### **Open Discussion – Jerry Davis**

During the counting of the votes an open forum was held.

\_\_\_\_\_ asked about the possibility of having a community swimming pool in the common area on Halcyon Loop. Several homeowners expressed negative opinion to having a community pool because of maintenance and insurance.

\_\_\_\_\_ stated that one of the residents next to the common area on Halcyon Loop has a letter from Rance Rheel stating that nothing would ever be built on that space. The Board will attempt to determine if there such a letter.

\_\_\_\_\_ asked if some playground equipment could be installed in that common area. There was some concern about HOA liability if any equipment were installed. The Board will query our insurance company about such liability and explore the cost of playground equipment.

#### **Adjourn – Jerry Davis**

There being no further business the meeting was adjourned at 7:55 PM

**APPROVED:**

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**JERRY DAVIS, PRESIDENT**

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**JERRY DAVIS, SECRETARY**

# Annual Meeting Sign-In

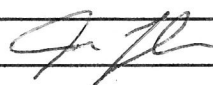
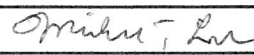

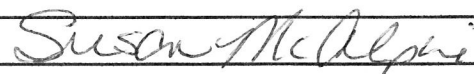
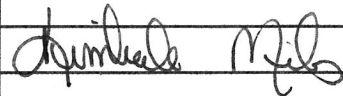

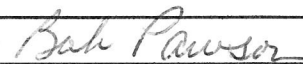
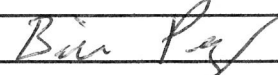


December 6, 2010

Lot	Last Name	First Name	Sign In Here
40	Alexander	Chris & Sherry	Sherry Alexander Chris Alexander
90	Alexander	Clifton	
79	Allen	John	
101	Allen	John	
103	Allen	John	
102	Allen	John	
52	Audet	Steve & Kristen	
108	Baker	Gary & Lisa	
124	BANK		
28	Barfield	Steve & Jackie	Steve Barfield
33	Barfield	John	John Barfield proxy
78	Beech	Mike & Ally	
95	Benson	Jack & Sharon	
37	Blair	Shawn & Melody	
22	Blake	Phil & Cathy	
113	Blinco	Leslie & Kathleen	
31	Braswell	Joey & Kasie	
10	Brown	David & Pam	Pam Brown
16	Brown	Paul & Tammy	Paul Brown
14	Bryan	Brad & Shae	
96	Buck	Ryan & Julee	
5	Burnam	Richard & Kathy	
84	Bush	Mark & Tina	
111	Butts	Allen & Kim	
57	Cady	Theresa	
67	Calloway	Steve & Josie	Josie Calloway
88	Cassibry	Rob & Sue	
98	Cazalas	Joe & Maria	
93	Ciani	Lorraine & Leonard	Mary J. Vining - Proxy
97	Collins	Bob & Lori	Lori Collins
104	Colony Homes		
1	Comerford	Joe & Kelly	
69	Cooper	Rick & Teresa	
121	Cummings	Brian	
80	Cuny (ARK)	Ron	
15	Daniell	Forrest & Emma	

Annual Meeting Sign-In  
December 6, 2010

Lot	Last Name	First Name	Sign In Here
73	Davidson	Bill & Kellie	
21	Davis	Jerry & Joanna	<i>Jerry Davis</i>
119	Deakins	Jeff & Karen	
18	Dearman	Ed & Sharon	<i>Ed Dearman</i>
76	Detman	Daniel & Cynthia	<i>Dan Detman</i>
20	Dugas	Chris & Jerri-Ann	
118	Dunagan	Greg & Kim	<i>Ken Dunagan</i>
126	Emmett	Joel & Sharon	<i>Sharon Emmett</i>
50	Engel	Kenny & Connie	<i>Kenny Engel</i>
58	Engelmeyer	Mark & Tina	
127	Evans	Gene & Donna	<i>Gene Evans</i>
6	Freund	Kurt & Kathie	
86	Furlong, Matt	Corbin, Tammie	
116	Gealy	Gary & Candace	<i>Candace Gealy</i>
32	George	Kevin & Shannon	
47	Gibson	Tom & Terry	
106	Gifford	Michael & Angela	<i>M Gifford</i>
38	Goldman	Jerry & Cindy	
53	Goleniowski	Joseph & Frances	
129	Hamilton	Paul & Charlene	
123	Harris	Michael & Miriam	
23	Hassall	Rick & Jan	<i>R Hassall</i>
77	Hawarah	Richard & Marsha	
11	Hayes	Charles	
48	Henderson	Ellis & Eileen	
35	Jackson	Webb & Jennifer	
46	Jones	Clint & Cheryl	
51	Jones	William & Dianne	<i>William C Jones</i>
19	Kane	Jimmy & Linda	
24	Keel	Larry & Michelle	
36	Kenny	Mark & Lora	
63	King	Kenneth & Lucy	
66	Kirk	Jim & Julie	<i>Jim Kirk</i>
112	Knoedler	Steve & Kitty	
41	Lambert	Gary & Alana	
70	Lanyon	Bill & Lynne	

Annual Meeting Sign-In  
December 6, 2010

Lot	Last Name	First Name	Sign In Here
74	Lay	James & Andrea	
120	LeClear	Jason & Ann	
44	Lee	Danny & Sandra	
12	Lehan	Michael & Vivian	
62	Liffick	Joe & Ginger	
60	Little	Heith & Allison	
29	MacDonald	Ken & Karen	
94	Marquis Properties	Gene Evans	
99	Matson	Brian & Sherri	
125	McAlpine	Dave & Susan	
42	Mershon	Kevin & Naurita	
128	Miles	Carl & Kimberlie	
100	Miller	Janice	
2	Mott	Bryan	
105	Mount	Steve & Amy	
83	Nelson	Richard & Molly	
39	Norris	Mike & Shannon	
122	Palmer	Phenix & Marilyn	
82	Pamphilis	Chris & Mandy	
54	Paul	Joe & Cindy	
43	Pawson	Bob & Pat	
68	Peddicord	Paul & Peggy	
71	Peevy	Bill & Pat	
55	Perrigin	Steve & Dyan	
34	Pierce	Danny	
115	Pierce	Matt & Claudia	
17	Presley	Don & Dale	
30	Pridgen	Toby & Dana	
72	Rader	Michael & Rhonda	
85	Ramm	Pat & Carrie	
91	Ray	James, Builders	
92	Ray	James, Builders	
45	Roberts	Melanie	
7	Robertson	Dennis & Cindy	
65	Ryan	Lehman & Susan	
81	Schelper, Michael	Linton, Jill	

Annual Meeting Sign-In  
December 6, 2010

Lot	Last Name	First Name	Sign In Here
109	Shackelford	Phil & Starr	
89	Shipman	Jason & Nicole	
9	Stein	Chip & Shannon	
26	Stejskal	David & Mindy	
117	Stemp	Ralph & Anne	
3	Stephens	Van & Patti	
110	Suhs	Rich & Margie	
107	Sullivan	Marion & Linda	
114	Thigpen	Ebbie & Susan	
13	Torres	Jorge & Tanja	
4	Trotter	Frank & Dede	
61	Tschudy	Dave & Debbie	
56	Turner	Dale & Angela	
87	Usher	Dave & Denise	
75	Van Antwerp	Jim & Allison	
64	Vining	Jim & Mary	
27	Vosen	Bill & Lisa	
8	Watkins	Tom & Sharon	
25	Wiggins	Larry & Pam	
49	Wright	Brad & Leeann	
59	Yim	Kil & Martha	

*Jim & Starr*  
*David & Mindy*  
*Ralph & Anne Stemp*  
*Van H. Stephens*  
*Rich & Margie*  
*Marion & Linda*  
*Ebbie & Susan*  
*Jorge & Tanja*  
*Frank & Dede*  
*Dave & Debbie*  
*Dale & Angela*  
*Dave & Denise*  
*Jim & Allison*  
*Jim & Mary Vining*  
*Bill Vosen*

**Avalon Homeowners Association, Inc.**

**PO Box 386**

**Daphne AL 36526**

**PROXY FOR ANNUAL MEMBER MEETING**

**DECEMBER 6, 2010**

KNOW ALL MEN BY THESE PRESENTS, that I am the registered owner of the property at 11342 St Ines Ct (street address), Lot # 93, and I hereby appoint and constitute Mary Kining (name), at Lot # 64 as my true and lawful attorney and proxy with full power and substitution and revocation, to attend and represent me at the 2010 Annual Member Meeting for the Avalon Homeowners Association, Inc., to be held on December 6, 2010.

IN WITNESS WHEREOF, I have executed this proxy on the 26 day of November, 2010.

Lorraine Ciani

Signature

Lorraine Ciani

Printed Name

**Instructions (per Article 3.7 of the Bylaws and interpretation by the Board):** Please complete this form and

**Avalon Homeowners Association, Inc.**

**PO Box 386**

**Daphne AL 36526**

**PROXY FOR ANNUAL MEMBER MEETING**

**DECEMBER 6, 2010**

KNOW ALL MEN BY THESE PRESENTS, that I am the registered owner of the property at 11331 Saint Ives Court (street address), Lot # 126, and I hereby appoint and constitute Susan McAlpine (name), at Lot # 125 as my true and lawful attorney and proxy with full power and substitution and revocation, to attend and represent me at the 2010 Annual Member Meeting for the Avalon Homeowners Association, Inc., to be held on December 6, 2010.

IN WITNESS WHEREOF, I have executed this proxy on the 2nd day of December, 2010.

Sharon Emmett

Signature

SHARON Emmett

Printed Name

**Instructions (per Article 3.7 of the Bylaws and interpretation by the Board):** Please complete this form and mail or hand deliver to the HOA Secretary (Jerry Davis, 11660 Halcyon Loop, 625-6503) no later than Friday, December 3, 2010.

**Date Received by Secretary** \_\_\_\_\_ 2010      **Secretary's Initials** \_\_\_\_\_

**Avalon Homeowners Association, Inc.**

**PO Box 386**

**Daphne AL 36526**

**PROXY FOR ANNUAL MEMBER MEETING**

**DECEMBER 6, 2010**

KNOW ALL MEN BY THESE PRESENTS, that I am the registered owner of the property at 11872 Halcyon loop (street address), Lot # 33, and I hereby appoint and constitute Steve Bartfield (name), at Lot # 28 as my true and lawful attorney and proxy with full power and substitution and revocation, to attend and represent me at the 2010 Annual Member Meeting for the Avalon Homeowners Association, Inc., to be held on December 6, 2010.

IN WITNESS WHEREOF, I have executed this proxy on the 6<sup>th</sup> day of December, 2010.

Ernest "John" Bartfield

Signature

Ernest "John" Bartfield

Printed Name

**Instructions (per Article 3.7 of the Bylaws and interpretation by the Board):** Please complete this form and mail or hand deliver to the HOA Secretary (Jerry Davis, 11660 Halcyon Loop, 625-6503) no later than Friday, December 3, 2010.

**Date Received by Secretary** \_\_\_\_\_ 2010      **Secretary's Initials** \_\_\_\_\_