



## **Kinderton Village Residential Homeowners Master Association Board of Directors**

### **Community Update on CCR & Bylaw Concerns**

January 28, 2023

To all Kinderton Village HOA Residents,

In late November, an e-mail from the Single Family (SF) HOA Board of Directors (BOD) sent only to SF residents, outlined their intent to send a delegate from the SF BOD to the Master Association BOD as their representative. That e-mail included several inaccurate statements, attempting to explain how the MB BOD have been erroneously elected, and how the MB BOD hired an attorney to reject the SF vote of a representative.

Prior to bringing an attorney into this discussion, we had provided written explanations on multiple occasions to the SF president of how Master BOD vacancies are filled, and also during the MB BOD Meeting on July 20, 2022. <http://www.kindertonvillage.org/index.php/library/category/68-meeting-minutes-for-2022?download=487:kv-master-board-minutes-07-20-2022>

After not advising or including any sub-associations of their intentions, the SF BOD proceeded with that vote. It was only at that point, we believed it necessary to have the following letter sent to the SF BOD president. <http://www.kindertonvillage.org/index.php/library/miscellaneous-documents?download=522:kv-mb-hoa-reply-to-sf-concerns-bod-vacancy-08-24-2022>

While this is our first official response to you, please know that over December and January the Master BOD has been attempting to work through this difference in opinion with the SF BOD and all sub-associations. That process has been delayed as both the Master and SF had requested additional time to review this topic with their respective directors, plus coupled with the peak of the holiday season.

We realize residents are frustrated and want to know what all this means. As a Master BOD, we have been awaiting replies from the SF BOD before providing an update to all KV residents. Unfortunately, no responses from the SF have been forthcoming, specifically requests to collectively meet and discuss the issue with all KV BOD from all the sub-associations.

Though not publicly shared with residents, all directors across all sub-associations were invited to meet in early January and begin discussing potential steps towards a resolution. While the Condos/Quads, Townhomes, Carriage Homes, and Master association representatives did accept our invitation, the SF BOD did not accept or attend the event.

To provide information to the neighborhood, the MB extended an invitation in January for a community wide gathering open to all Kinderton residents. The intent was to provide an overview of how our CCR & Bylaws were adopted, the way in which they have been historically applied in KV, followed by a Q&A session on the topic.

A request was made to both property management companies to e-mail our invitation to all residents, including this letter. However, the SF BOD indicated that "the Master Board does not have the authority to call a meeting of the SF, only the SF BOD has that right" therefore the residents of SF homes did not receive our invitation. This was a transparent request to distribute information to each of you, with us including every director from all sub-associations for their awareness.

Given that invitation for everyone in Kinderton could not be shared with residents of the SF homes, we subsequently cancelled the community wide get together.

We want to ensure everyone receives the same explanation on this topic especially how we arrived at this point.

Along with their e-mail to Single Family residents, the SF BOD sent the following letter to the Master Association, in part demanding all Master BOD resign their positions and not seek election at the annual meeting.

<http://www.kindertonvillage.org/index.php/library/miscellaneous-documents?download=519:kv-sf-hoa-master-board-formation-concerns-11-28-2022>

The Single Family (SF) HOA BOD have a differing opinion of how our CCRs and Bylaws have been applied.

As a Master BOD, we have respectively replied their opinion is wrong. Our response was based on several legal opinions, which over time, have spanned different firms and attorneys.

<http://www.kindertonvillage.org/index.php/library/miscellaneous-documents?download=518:kv-mb-hoa-reply-to-formation-concerns-by-sf-12-15-2022>

Our proposal has and continues to be that all five Kinderton HOA boards of directors agree to meet.

They should figure out two things:

(1) how the documents say the organization is to work.

(2) how they think it actually should work in order to and promote the best interests of the whole community.

Based on the boards' review and discussions, the boards should then jointly work to propose amendments to update the governing documents.

Our CCRs, along with Bylaws, help define the roles and responsibilities of members, sub association representatives, and directors to manage the Master Association.

This is not the first-time questions have been asked related to our governing documents.

<http://www.kindertonvillage.org/index.php/library/category/6-2011?download=19:june-20-2011-special-meeting>

To provide clarity, answers were provided that confirmed both the meaning and intent of how our association structure as initially defined.

<http://www.kindertonvillage.org/index.php/library/miscellaneous-documents?download=92:attorney-response>

As a master board, we remain ready and willing to schedule another meeting with all sub-association directors.

Our hope is that everyone invited would take this seriously, accept the invitation, attend the meeting, and begin that dialogue.

We will experience a positive outcome if we "all work together to understand and resolve this issue".

If you have questions or concerns for the Master BOD, please send those to Becky Myers

[BMyers@priestleymanagement.com](mailto:BMyers@priestleymanagement.com) and she will cascade the inquiries to all board members.

We will address them to the best of our abilities.

Thank you,

Kinderton Village Master Association Board of Directors

Mark Pfundstein, President

Chris Fowler, Treasurer

Thomas Lofton, Director

Michael Bailless, Director