



July 2006

Shenandoah Scribe

Shenandoah Residents Association
 P. O. Box 3821
 Chesterfield MO 63006

A message from your New Subdivision President

I volunteered for the position of Trustee at the annual Homeowner's Meeting. Shortly after the meeting, the Trustees held a meeting to elect officers and I was chosen as your new president. So, now I will tell you a little about me. I have lived at 1168 Stillhouse Creek Road for slightly over 10 years with my husband, Gil Reynolds. I am a Realtor® with Prudential Select Properties and make my living

listing and selling homes. I believe that my 23 years in sales and management brings knowledge and insight that can be helpful to our Subdivision. Realtors® are often reluctant to serve as a board member of their subdivision because it can be controversial and limit the agent's opportunities for business with their neighbors. I believe that the good I can do here will benefit us all.

My goal is to help our subdivision prepare for a prosperous future. Our personal home is located on Stillhouse Creek, yet our property is not directly affected by erosion other than watching rainwater speed through the yards.

Yours truly,
 Donna Giamalva



Your Trustees

President Donna Giamalva
 314-973-4519
 donnagiamalva@charter.net

Treasurer Dan Didier
 636-728-0206
 dandidier7@aol.com

Tree Removal Larry Hoffman
 636-399-5269
 trees@shenandoahsub.com

Secretary Marlo Montaban
 636-728-1386
 webmaster@shenandoahsub.com

Common Ground/ Mowing Tom Brown
 314-374-9035

Website:
www.shenandoahsub.com

The Trustees met in May and addressed the following items: 1. The Indentures require Trustee approval of all proposed fences. Please contact one of us if you plan to build a fence. 2. Delinquent accounts will be mailed twice by first class mail and once by registered mail before liens are filed. Penalties and interest will apply. 3. Our website needs updating. 4. We would like to establish an email list through our website. We will work with our web host to work on an email registration through the site. 5. Several "housekeeping" tasks were addressed. It is time to review and update our insurance coverage. Our attorney recommended a review and updating of our indentures due to several clauses that conflict with current practices and laws. A homeowner's committee would need to be formed to make recommendations to the board 6. We will be obtaining other opinions for erosion repair.

Important — Homeowner's Survey Enclosed

This issue is special because we are asking you to participate in a survey. Please read it and reply.

The issues on the survey have been suggested to the trustees over a period of some years and we want to know which items to pursue.

Articles in this newsletter will give some insight on the topics in the survey.

Thank you for sharing your opinions.

Annual Homeowner's Meeting, March 2, 2006

Approximately 18 homes were represented at this year's meeting held at Chesterfield City Hall. Chesterfield Police Officer, Chris Connelly talked about the COPPS program and informed us of several robberies. Robbers ring the door bell, and if the door is answered, ask for a false name. They move along until they find an unoccupied home, then break in.

He asked if you get an inquiry like that to please call 911. Those robberies were predominantly along Hidden Oak. It was recommended that we look into eliminating the double yellow Line on Appalachian Trail. The idea is that the line indicates that it is a "fast road". Schoettler Valley, Highcroft and Country Ridge do not

have yellow lines.

More discussion of the erosion issue prompted the extensive review of the subject contained in this issue.

Trustee Elections were held and the trustee names are above. They will be added to our website soon.

Frequently asked questions about our subdivision

What is Common Ground?

Common Ground is a parcel (or parcels) of land left undeveloped by a builder when developing a subdivision. There are various reasons for doing this besides simple beautification. The land may be unsuited for building lots or it may be planned for future recreation areas such as a subdivision pool.

The land is owned by all the homeowners in the subdivision regardless of whether or not any particular lot touches the common land. All homeowners own an **undivided interest** in the common ground. The land is titled to the Homeowner's Association. The Association is charged with maintaining the land for the safety, health and welfare of all the homeowners.

My home does not touch any of the common ground. Why would I be responsible for its upkeep?

Again, all homeowners own an undivided interest in the common land and the Homeowner's Association becomes the caretaker under the subdivision Declaration, Indentures and Bylaws. The Association insures it, pays any taxes and contracts for mowing and tree trimming and removal.

Where does the money for the maintenance come from?

Your **Annual Subdivision Assessment** is used in part for the common ground maintenance. In addition the board pays the electric bills for our street lights, constructs entrance monuments, maintains cul de sac circles, publishes and mails the newsletter, holds the Annual Homeowner's meeting, maintains our website and bills and collects the Annual Assessment. The Association maintains bank accounts and reports annually to the homeowners.

We have a special assessment for repairing the erosion. Where are we on that?

In 2003, a special assessment of \$100 per year per lot for 6 years with a seventh year optional if needed was voted on and passed by a 2/3 majority of a quorum at a special meeting.

Approximately \$35,000 was spent on a **Site Evaluation** of the 7 locations needing work.

Your past Boards of Trustees worked diligently to acquire matching funds which were paid by MSD to the City of Chesterfield and reimbursed to us after

we paid that bill.

The \$17,000 we actually spent came from our reserve funds that were accumulated over time from your Annual Assessments.

The special assessment levied was the projected estimate to repair Site I which is the Stillhouse Creek road site.

In order to secure contractor bids for the actual work a formal **Engineering Plan** or **Blueprint** was required detailing methods and materials. It included topographical surveys, consultations with and permit applications from many government bodies. They are the City of Chesterfield, the County of St. Louis Department of Waterways, MSD, The State of Missouri Department of Natural Resources (DNR) and the Army Corps of Engineers. That Engineering Plan cost approximately \$85,000 and was used to solicit bids.

We received several bids and, to date, we have not entered into a contract for work to begin. Final estimated cost was the determining issue. Details of these bids will be found in another section.

All remaining funds have been deposited in a money market account for the future work.

We now have an Annual and a Special Assessment. What's the difference?

The **Annual Assessment** is designed to take care of the general and expected expenses of the subdivision. Each year the Board of Trustees plans the budget and contracts for the normal expenses. It is paid every year by the property owner of record.

A **Special Assessment** is voted on and levied for unexpected expenses and has an exact amount due. Homeowners may be permitted to pay over a period of time, but it is an exact amount **owed in total by the owner of record at the time it is passed**. Therefore, someone selling their home must pay it in full at the time the property changes owners.

The new owner does not have to pay any of the Special Assessment.

You may be most familiar with Special Assessments from Condominium owners who are suddenly faced with a Special Assessment for new roofs or decks.

The theory about why a Special Assessment must be paid by the present owner is based on the premise that it is that present owner who receives the benefit of the improvement.

Wouldn't it be better to have these erosion funds be a part of the An-

nual Assessment because the work will take several years to complete?

Most likely it would be better because the people who will benefit from this particular repair are the people who will occupy the homes when the work is complete and owners who decide to sell would not be charged at closing for an improvement that they have not enjoyed.

It would also be better if a Reserve Account could have been established for this work long ago. As it is, we did have reserves enough to fund the original evaluation. However, our current budget and the restrictions in our Indentures on raising the Annual Assessment above \$100 prohibit any contribution to the repair work.

Has the Board of Trustees sought funding from other sources?

Absolutely! And we continue to do so. We are in close communication with the City of Chesterfield and MSD and welcome any constructive input from our homeowners. MSD has no money available to make these repairs.

Why can't we simply bring in fill rock or dirt and cover the eroded areas?

We have entertained a variety of "fixes" and examined them all.

The short answer to simply filling in is that then the water runoff would simply go somewhere else – probably my basement or yours.

The longer answer is that it has been determined in the Engineering Study that we will be affecting waterways that come under the control of several governmental authorities all of whom must approve our plans and issue permits for the work. They are MSD, St. Louis County, the State of Missouri Department of Natural Resources and The Army Corps of Engineers. Whatever we do must legally comply with the governmental bodies.

If you believe that your neighbor would take exception to your directing your down spouts onto his lot, can you imagine the consequences of upsetting the Army Corps of Engineers?

So, how did we get stuck with this problem? Can't we go back to the builder?

Our subdivision was platted in about

Frequently asked questions continued

1970. The ground was developed and graded with approvals from the appropriate governmental authorities according to what was acceptable at that time.

Just as building materials have improved over time so has how we treat and protect the land.

Most of the homeowners here have replaced old technology windows, furnaces, air conditioners, water heaters, flooring, siding and landscaping with more modern, efficient and environmentally sensitive components. We must now do the same with our land.

Can we borrow the money?

Only if we have the proven ability (by passing a large special or general assessment) to repay the loan.

The Missouri Nonprofit Corporation Act permits the Homeowners Association to borrow the repair funds from an institutional lender (bank) using an assignment of its right to collect assessments as collateral. That means we must have the proven ability to pay it back with interest from our assessments.

Our Indentures and Declarations prohibit raising the annual fee above \$100. What happens when that amount doesn't cover our normal operating expenses?

Your Board has made every effort to economize on our expenses, yet we are approaching the point when this will happen. In fact, we had a shortfall this past year of \$918 that had to come from our savings.

As stated earlier, we had reserves that helped pay for the initial evaluation of the erosion sites. We no longer accumulate reserves. We have cut costs to the point that our annual meeting is held at City Hall which is free instead of at Shenandoah Elementary School that charges \$21.00.

Homes were selling in the \$60,000 to \$80,000 range when the annual fee was set at \$90 with a provision in the Indenture that it would NEVER be raised above \$100. That was in about 1970. Today, our home values range well into the high \$200,000's and our fee has not kept pace. Other subdivisions in Chesterfield with similar amenities and less common ground have fees that are considerably higher.

Round Hill	\$120
Meadowbrook Farm	113
Highcroft	125
Baxter Village	150
Baxter Lakes	150
Clarkson Woods	225

How might we go about changing this?

Our attorney has reviewed the Indentures and Declarations and has made recommendations for updating them. He states, "The Indenture is over thirty years old and, in many respects, reflects drafting practices that go back much further." He has recommended "a comprehensive updating to eliminate provisions that are ineffective, no longer operative or preempted by Federal Law."

The process involves a committee of residents making recommendations to the Board and Subdivision meetings for discussion and eventual voting.

So, just how much will all the repairs cost?

We just don't know right now. We received bids in 2005 for different types of work on Stillhouse Creek Site 1 that were \$340,000, \$393,500, \$562,500, and \$601,500. We have not accepted any of these bids.

Please understand that this is a work in progress and we will keep you informed as progress is made.

What are the next steps the Board plans to take?

We will be consulting with other firms who do this type of work to see just how extensive our repairs really need to be. We will be looking at other methods with an eye towards cost savings, yet we want to make certain that any work done will last and will not incur future problems. We intend to do whatever it is correctly for the overall good.

Why is it taking so long to find a solution?

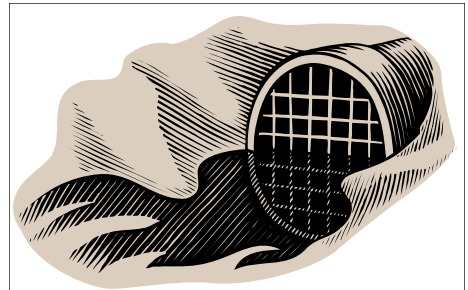
I have attended our meetings since becoming a homeowner in 1995. The erosion of our common ground was a topic of discussion well before then.

Money, differing opinions, the scope of the project, determining appropriate remedies and frustration have prevented the selection of a remedy.

Over the years some of our finest volunteer trustees have taken so much abuse that they have quit. I do not intend to be one of them. I believe that our homeowners will support our Trustees as we find solutions for your consideration.

Please understand that we are not professionals. The information here is from a variety of sources and opinions.

We would appreciate your constructive input.

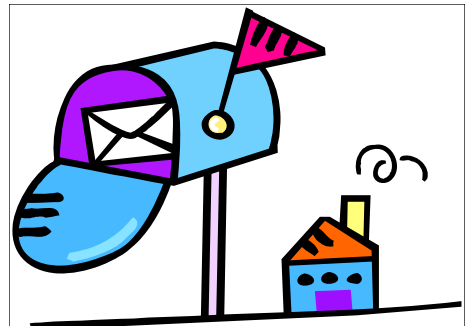


MSD agrees to Repair One Storm Sewer Area

Through the combined efforts of Bruce Geiger, our Representative in Chesterfield, Brian McGownd, Deputy Director of Public Works for Chesterfield and Larry Hoffman, our Common Ground Trustee, MSD visited the site of a storm sewer inlet located on the Stillhouse Creek common Ground. There has been considerable erosion around the inlet and the storm water does not reach the sewer pipe.

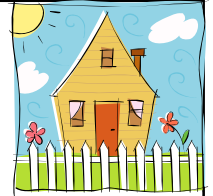
The representative from MSD said they will repair the area around that inlet sometime after July 1, 2006 when their new fiscal year begins. We do not have a firm date for this work. They will only repair the immediate area and not the additional eroded sites on that parcel, yet we feel this will be helpful with some of the storm water.

Thanks to Bruce, Brian and Larry for pursuing this issue.



Annual Report for July 1, '05 to June 30, '06

Income				
	Annual Assessments	\$46,490		
	Interest	92		
Total Income			\$46,382	
Expenses				
	Collection Fees	(1,800)		
	Insurance	(1,035)		
	Landscaping	(717)		
	Maintenance	(1,200)		
	Mowing	(12,330)		
	Tree Removal	(4,090)		
	Supplies	(126)		
	Web Site	(350)		
	Bank Box Rent	(45)		
	P. O. Box Rent	(76)		
	Street Lights	(25,314)		
	Real Estate Tax	(63)		
	State Filing	(15)		
	Newsletter	(339)		
Total Expenses			(\$47,500)	
Net			(918)	
Checking Account Balance as of 6/30/2005				\$32,661
Checking Account Balance as of 6/30/2006				\$31,821



We Need Your Email Address

From time to time we receive various notices from the City of Chesterfield. We will post them on our website and would like to email you that a new message has been posted there.

Please complete the form on the back of the survey and return it to us.



Re: Loss of \$918 for 2005/2006
24 homes have not paid and 12 of them are unpaid for 2 or more years.

Common Ground

Please remember to pick up after your dogs even in the common ground. Kids, and even adults, walk and play in those areas and it is not sanitary to encounter dog waste.

Also, please do not dump grass clippings or yard waste on the common ground. It adds greatly to erosion by killing the underlying plants.

Tom Brown,

Common Ground/Mowing

Special Assessment 2003 to June 30, 2006

Income				
	2003 Assessment	\$56,000		
	2003 Interest	181		
	2004 Assessment	49,200		
	2004 Interest	266		
	2004 MSD Matching Funds	16,689		
	2005 Assessment	49,900		
	2005 Interest	262		
Total Income to Date			\$172,498	
Expenses				
	2003 Consultant	(285)		
	2004 Site Evaluation	(33,377)		
	2004 Consultant	(285)		
	2004 Engineering Plan	(85,075)		
Total Expenses to Date			119,022	
Net				\$53,476

Entrance Monuments

Over the past two years we have made improvements to our entrances located at Olive and Appalachian and Stillhouse Creek and Conway Roads. The signs have been painted, shrubbery trimmed more often and the lighting has been repaired or replaced.

Trees

We do not generally cut fallen trees in the common ground unless they pose a safety hazard. When it is determined that a tree should be cut we have it cut and leave it on the common ground to decay naturally whenever possible.

If you have questions about common ground trees call me at 636-532-7932. Larry Hoffman, Trustee