

ABERDEEN HOMEOWNERS ASSOCIATION
Board Meeting
August 17, 2025

A Board meeting of the Aberdeen Homeowners Association was held on August 17, 2025 at 4:00 pm at the home of Cindy Christensen. Present were Steve Madsen, Colleen Hilton, Eliza Washburn, Eric Green, Cindy Christensen, Anne Elwood, Emma Hollinger, Brian Lundy, Kiera Lundy, Josh Jones, and Jake Miller. Steve Madsen conducted the meeting.

1. Financial update. Colleen presented a balance sheet and income statement through July 31, 2025. We have total assets of \$66,646.64 of which \$54,500.37 is tied up in a 5-year CD. We have a current YTD net income of about \$7,000 which will be depleted some by the remaining payment for landscaping and sprinkler repair. We have saved a lot of money by doing things in-house rather than outsourcing. There was no budgeted snow removal money spent earlier this year but could still happen before the end of 2025. Colleen's opinion is that we are in pretty good shape.

In response to complaints about the cost of our maintenance company, Colleen said that proposals were sent out the first of this year and we only received bids from two companies. The bid from one was more than double the cost of Landform's bid. The Board went with Landform.

Utah Code Ann. 57-8a-211 requires a reserve study to be done at least every six years. We can opt to do a no-site visit reserve study after three years if we desire. A site visit reserve study of our Aberdeen HOA was conducted last year. It can be accessed by going on our website. In addition, a full financial review was presented at our annual meeting in November of last year and be accessed by going on our website.

2. Proposed Amendment to CC&Rs. Steve talked about the importance of preserving the integrity of our community and how one problem unit can cause problems for the whole community. In this regard, the problem unit is on Lochlevan Lane. Criminal activity has occurred and most recently has brought law enforcement, including a SWAT team on one occasion, to the home. In the past, several fines have been issued for violating the nuisance provision of our CC&Rs, however, these fines are small in accordance with the fine schedule of the CC&Rs. The Board feels that the significance of these recent violations is to such a degree that the fine schedule should be amended to provide for a \$500.00 fine which is the maximum under Utah law.

Steve made a motion that the HOA pay for one hour of an attorney's time to see what our options are. Cindy seconded the motion and Steve will schedule the meeting. Josh requested that a list of questions for the attorney be sent out so additional questions that

anyone has for the attorney can be added. Jake said before we spend money on an attorney, we should try another way to protect the community. It was decided to do both, one hour with an attorney and amend the CC&Rs.

Cindy read the relevant portions of the proposed amendment to our CC&Rs:

“For any portion of a month going forward from January 1, 2025, when certain activities have occurred or are occurring on a homeowner's property requiring the presence of law enforcement to such a degree that the fine levied against the homeowner for violating Section 2.14 (nuisance) shall be \$500.00.”

There is also a second part to the amendment regarding a violation of a lease agreement. The amendment will bring our fine schedule into compliance with state law which is that the fine for continued violation of a lease agreement cannot exceed \$500.00.

Several questioned whether the amendment could be retroactive. Cindy will research this aspect. (*See Addendum #1*).

As the CC&Rs provide that an amendment must be approved by 2/3rds of the unit owners, members of the Board are willing to go door to door to get the necessary 26 approvals.

3. Project updates:

A. Eliza talked about Phase I of the landscaping project behind the mailboxes. As agreed in the April Board meeting, due to the fair amount of grass (and weeds) that has grown back this year, we are holding off starting to xeriscape in order to save money and allow more time for planning. Eliza said this fall seed will be thrown onto the area and watered daily for 3-4 weeks. The overhanging branches from Hunters Woods trees were cut down which will allow the sprinklers to water the area more thoroughly. Also, we can get free mulch from Murray City.

B. Eric spent a large amount of time replacing the vandalized panels in the fence. He worked hard, did a great job, and saved the HOA a lot of money.

C. Steve said the seal coating on Lochlevan Lane was completed and should last 3 years. How often snowplows are on the road may shorten that time frame. We had budgeted \$3,000 for the job and Eccles Paving did an excellent job for \$2,100 so we saved money there.

4. Insurance issue. Brian Lundy was concerned that the HOA was not insuring individual units. Cindy read a statement obtained from the HOA's insurance company, State Farm, which states:

"The Aberdeen HOA master record was grandfathered in when there was a law changed many years ago. By grandfathering the policy, the HOA is required to only cover limited amounts on the property such as the common areas and the board. By grandfathering their master policy, it requires the homeowners to cover their property as a home versus a condo."

Brian's further concern was that if the HOA was not insuring individual units, what happens should his neighbor not have their unit insured and a fire breaks out in that unit and damages his unit. There was discussion about whether our HOA could require unit owners to go on our website and provide their insurance information. Cindy will check the CC&Rs regarding any requirement for insurance and also request information from Welch Randall about the possibility of unit owners providing their insurance information on our website. (See *Addendum #2*).

Cindy stressed that **Aberdeen is NOT a condo community and every unit owner in Aberdeen must insure their unit as a townhome (PUD) and NOT as a condo because there is a great deal of difference between coverage of the two types of insurance. Any insurance agent worth their salt should research what type of community their insured is living in and insure them accordingly.**

Brian suggested having our HOA go to a community insurance where all units and the HOA are insured under the same umbrella with the total cost split between each unit owner. This idea was met with resistance and will not be pursued.

5. Sprinklers. Eliza has been tasked with handling sprinkler issues/repairs. Please contact her (text or call) at 720-496-3906 should you have any sprinkler problems. In the event a sprinkler repair requires work from Landform that goes beyond the actual repair of the sprinkler, that time/cost will be the responsibility of the unit owner.

The annual Board meeting is scheduled for November 18, 2025 at 6:00 pm on Zoom.

Cindy made a motion to adjourn the meeting and with a second from Eliza, the meeting was adjourned at 5:20 pm.

Addendum #1:

A retroactive amendment will have a problem if the unit owner says they were not aware of the violation for which they are being fined retroactively. In the instant case, the unit owner has been fined several times for violations of the nuisance provision of our CC&Rs so that argument probably would not prevail.

Addendum #2:

Our CC&Rs, Section 9.5, requires homeowners to not only have insurance but in an amount equal to the replacement value of their unit. UCA 57-81, part 4, is silent on the issue focusing only on a blanket property insurance law enacted several years ago. Because Aberdeen's master policy was grandfathered in, this law does not apply and our CC&Rs hold in this instance.

Welch Randall's response to our question of whether the Board can require unit owners to provide the HOA with information about the insurance they have on their property was, in a nutshell, NO. Welch Randall's insurance experts strongly advise against an HOA requiring unit owners to provide insurance details and this Board will follow their advice.