



## JULY 12, 2016 ASHFORD PARK HOMEOWNERS BOARD MEETING



The Ashford Park Homeowners Board Meeting was called to order at 6:00 PM at the First United Methodist Church of Foley.



President Dave Roffman called the meeting to order and presented the board members to the homeowners:



President: Dave Roffman



Vice President: Wilma Votta



Architectural/Maintenance Committee: Mike Wilde



Treasurer: Laura Daily



Secretary: David Dalton



David Dalton led us in a prayer and Laura Daley led us in the Pledge of Allegiance



### OLD BUSINESS:



Lawsuits:



When this board took office on January 12, there were lawsuits which had been filed on behalf of the previous Board. One lawsuit was against Adams Homes, the other against Tim O’Leary and Tom Abernathy. The Abernathy portion of the latter lawsuit has been settled with this HOA board. The O’Leary half of the lawsuit is in negotiation. The lawsuit against Adams Homes continues. We asked Bruce Stone, our HOA Board Attorney to give us a status report on both suits. First the lawsuit herewith:



From Bruce H. Stone, Board Attorney



Ashford Park v. Adams Homes



Circuit Court of Baldwin County

Case No.: CV16-900029



*As you are aware a lawsuit was filed against Adams Homes on Jan. 11, 2016. Adams Homes has filed its Answer denying all allegations, which of course is standard procedure. Adams is represented by Attorney Warren Butler with the law firm of Starnes, Davis and Florie in Mobile. Thankfully no counter-claims have been filed. Adams Homes has filed their requests for discovery materials, which have been compiled to date. No mention of possible settlement has been forthcoming as of yet.*



*“Recently I amended the complaint to include two (2) additional and necessary Defendants: Temco Corporation, Inc. (the original contractor for the ponds) and John Peterson (the engineer for Temco). Temco has filed its Answer, denying all allegations and once again, no counterclaim was filed. Temco has also filed their request for discovery material, which is due at the end of the month, which I am preparing and working on. Temco is represented by attorney Christopher Hume with the law firm of Armbrecht, Jackson in Mobile. Defendant John Peterson is represented by attorney Wesley Pipes, which the law firm Pipes, Hudson & Watts in Mobile. They too have filed their discovery requests which I am working on and once again, are due around the end of the month.*



*It does appear that ALL of these Defendants are most likely being represented through their liability insurance carriers.*



*A status-conference is set for September 12, 2016, for attorneys only before Judge Bishop. At this time, we will have a better idea of when this matter will be scheduled for jury trial. It is also highly probable and possible that Judge Bishop may order us to mediate this case.*



Very truly yours, Bruce B. Stone”



### O’LEARY LAWSUIT





All we can say at this time is we are close to settling the Tim O’Leary lawsuit. Lawyers from both sides are working out the final details. Hopefully we will soon have a resolution to this lawsuit.



**OTHER MATTERS**



Charlie Fisher: Our community lost one of its residents in June when Charlie Fisher passed away. Charlie and his wife JoAnn bought their home on East Ashford Park Drive in 2003. Charlie was a very active citizen of Foley and devoted many hours helping senior citizens of Foley, as well as being very involved in our HOA. Seventy-two people showed up for Charlie’s funeral, which ought to tell you something about the man. Our sympathies go out to Charlie’s wife JoAnn.



Home Invaders: On Jan 12 you may recall, there was a Home Invasion in our community on the Ashburn cul de sac. Two young men brandishing what were believed to be guns, stormed into the home that was hoping our very first board work session, the night after the general election. Both men were apprehended later that evening up near Walgreens, where they had committed a holdup. Since then they have been in jail. Police tell us that unless they plead out, we probably won’t know anything more until September at the earliest. If and when it goes before a jury, all 8 member of our community that were present would probably have to give testimony.



**NEW BUSINESS:**

Our search for a new Secretary has finally ended. David Dalton, a 3 year resident in Ashford Park brings a qualified resume to the table. A semi-retired, part time City of Foley employee, David works at the Welcome Center on the corner of Laurel and McKenzie.



**TREASURER’S REPORT**

Opening balance \$32,161.02  
Ending balance \$29,920.62



**ARCHITECTURAL COMMITTEE REPORT**

Mike Callahan, a volunteer on the committee, presented the violations report for May and June. Mike explained how the process works. Once a month two members of the architectural committee go out through the neighborhood and inspect for violations. After 10 days violators are rechecked to see if the violations are still present. The violations that are still present are presented once a month to the committee, and by a blind vote (no names or addresses are identified) the violations are either accepted or rejected. If violations are still present a letter is prepared for the homeowner and mailed to the owners address (rentals are mailed to the owner, not the tenant. Each letter costs \$3.77 to mail out and approximately \$40 per month is spent on postage. Once the letters are resent after ten days the property is re-inspected for compliance (grass) and after 30 days for all other issues. If the violation is still in evidence after 30 days a letter will be prepared placing a lien on the property.



Inspectors do NOT deliver violation notices or make phone calls to property owners.

*(As of August, Mr. Wilde sent in his resignation as he and his wife will be moving from the neighborhood. We are happy to introduce the new member **Roy Zamecnik**. Thank you Roy for helping out!*



**NEIGHBORHOOD WATCH REPORT**

Chris Canuup, Chairman, reported that several Neighborhood Watch Captains have left the Watch program and is seeking additional volunteers. Chris encouraged all homeowners to “Friend” Foley PD, Gulf Shores PD, and Orange Beach PD. This is a good place to receive information. He also encouraged homeowners to join "Nextdoor Ashford





Park” which is a good way to keep up with the neighborhood. Chris is also signed up for a year of “Street Scan” which is a free service (but can be purchased for additional benefits) to know what is going on in a two mile radius of his home.



You can check for registered sex offenders within a two mile radius by going to [www.BaldwinCountyAL.gov](http://www.BaldwinCountyAL.gov). There are currently 4 registered sex offenders within two miles of Ashford Park. They are all white males and generally reside east of Hwy 59.



**QUESTIONS AND ANSWERS**



Karen Mannon writes: I’d like to know if the pond will be mowed at all this year (or at least what can be mowed). Obviously with no rain in the past month it is as dry as I have seen it since living here. Certainly as dry as it was when they mowed last September. The algae growth is also concerning, but I know nothing will be done about that. And yet I did read the April/May newsletter and realize that no action will be taken regarding the snakes, rats and frogs (and whatever else is out there).



**ANSWER:** We do have some money in our budget to address the pond issue. The mowing is being done twice a month as close to the ponds edge as is save. There are numerous issues with the pond, and if we have no resolution with the Adams Home lawsuit the homeowners will be responsible for cleaning up the pond by 2017 (City of Foley ruling). Many of the pond issues deal with cattails and will require close cooperation/coordination with Hampton Park to resolve the issue.



There has also been some questions regarding ownership of culverts within the subdivision. They city says that they are only responsible for culverts adjacent to city streets, however they are unable to produce a document granting us easement over the other culverts within the Ashford Park Community.

