



Canyon Lake Hills Property Owners Association

1045 Scenic Drive Canyon Lake, TX 78133

Phone: (830) 899-7622

www.clhpoa.org

Current News and Information

February 2010

Board Members

President:
GUY MUNDER
President@clhpoa.org
Info@clhpoa.org

1st Vice President:
CLES EDEN
Board@clhpoa.org

2nd Vice President:
BARBARA TOLMAN
Newsletter@clhpoa.com

Treasurer:
LIZZETTE SCINSKI

Secretary:
WINNIE BENSON

Building/Architectural
DANNY MEADOWS
Building@clhpoa.org

Compliance:
BILL BERES
Compliance@clhpoa.org

Pool:
ROLF SCHMITZ
Pool@clhpoa.org

Grounds/Sports:
TOM TOLMAN

Grounds@clhpoa.org

Insurance/
Parliamentarian:
JERRY STACY

Records Clerk:
RENNEA HENN
Records@clhpoa.org

Friendly Reminder:

All trash must be bagged and placed in proper trash receptacles. Your trash cans should be placed at the side of the road only on your scheduled pick up day. Trash bags not in the proper covered receptacles can be destroyed by animals and create unsightly and offensive messes.

PRESIDENT'S MESSAGE

Greetings from your Board members.

We hope the New Year brings good health, happiness and prosperity to you and your family.

This is one of the most important newsletters I have written as President. Information in this newsletter is extremely critical, and you will do yourself and family a favor by reading it thoroughly because I will discuss major issues that can have a huge impact on our neighborhood.

You may be aware that your Property Owners Association was forced to take legal action against property owners Byron and Kathryn Riedel, John and Mary Prendergast, and TexTana Ventures (a Riedel business enterprise). This lawsuit is for continuing violations of our deed restrictions pertaining primarily (but not limited) to commercial use (vacation and short term rentals) of their residentially platted properties. This suit also includes violations of the no motel/motor court clause of our deed restrictions. If you are interested in the detail, you can refer to Cause No. C2009-1016C, which we filed in the District Court, 274th Judicial District, Comal County. We expect this legal proceeding to continue into the summer months.

We find it necessary to point out false and misleading information that is being distributed by one or more of this lawsuit's defendants concerning the legality of your Board and the purpose of our legal action. One might assume that their intent is an attempt to elect Directors that may be more sympathetic to their cause in an attempt to short circuit the continuance of our legal action.

Many of you may have received a flyer from "Neighbors for a Better Canyon Lake Hills", with an unsigned letter and attached petition, calling for a special election of officers. While we do not know who is involved with this neighbors' entity, we do know that their anonymous letter and petition are being distributed by Byron Riedel, the apparent spokesman for the defendants in our lawsuit. I think you can connect the dots! In this petition for a special election, the anonymous author(s) state(s) their main reasons for circulating their petition are:

"The majority of the sitting POA board of director members are not elected."

"These same non-elected Board members have spent nearly \$20,000 on frivolous lawsuits and plan to spend an estimated \$20,000 - \$30,000 more by this summer."

Well folks, one can only assume that the author(s) did not attend our annual meetings from 2005 through 2008, have not read the minutes of those meeting; and perhaps do not understand our by-laws. We currently have ten elected Board members. With the exception of our Secretary and Insurance/Parliamentarian, all of the Board members were properly elected by the membership in the 2005 through 2008 annual meetings. The Secretary and Insurance/Parliamentarian were legally elected by the Board in July 2009 to fill vacancies that occurred prior to the 2009 annual meeting/election in accordance with your by-laws. In addition, the Board that is currently in place is in full compliance with your by-laws. All of these Board members are people whose judgment and integrity are impeccable. They are selfless, hardworking volunteers whose backgrounds include, retired military officers, a Director of "Children First", a retired military pilot and major airline pilot, a retired police officer and Children's Advocate, a retired medical doctor, a homemaker, a retired accountant, a soil scientist, a retired major Airline Senior Customer Service Representative, an Associate Professor, a retired minister and missionary, and an oil company executive. I assure you that every decision and action that your Board has made on this issue has been solely in defense of our subdivision covenants and for the benefit of our community.

In addition, the lawsuit that we have filed against the defendants is far from frivolous. As you know, our restrictions prohibit any non-residential use on lots not specifically designated for business use. Despite this prohibition, the defendants have been engaging in a vacation and short-term rental business, similar to a motel/hotel business. They have been advertising and renting their properties to large families and groups of vacationers on a weekend or short-term basis. Several neighborhood residents have brought to our attention that the renters cause neighborhood disturbance, noise, and traffic and that the renters have often displayed drunkenness and other disrespectful and unsafe behavior. Additionally, several neighboring property owners have complained that the defendants' activities are adversely affecting their ability to sell their properties. Your Board is committed to enforce the deed restrictions and to protect and preserve the property rights of all owners of property in Canyon Lake Hills subdivision. As such, we are committed to ensuring that none of our residents have to endure the type of disturbance caused by the defendants' activities. We did not enter this lawsuit lightly or without full discussion and a unanimous decision by your Board. We feel this lawsuit goes to the very heart of what kind of community and neighborhood we all want to have, and what we all expected to have when we purchased our property, and built our homes in Canyon Lake Hills.

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APPLICATIONS BEING ACCEPTED FOR 2010 POOL ATTENDANTS

The CLHPOA is looking to hire 5-7 pool attendants for the 2010 season by April 27th. The pool employment dates are: Saturday, May 22nd (Memorial Day Weekend) thru Monday, September 6th (Labor Day Weekend). Work schedules consisting of two shifts are Monday thru Sunday from 10:00 am to 8:00 pm.

Pool attendants are NOT lifeguards but will be provided with a 6-hour training session on Saturday, May 8th as "Emergency First Responders" capable of providing First Aid, CPR and AED. The cost of the training is covered by the POA.

Applicants must therefore commit to the entire 2010 Season. Salary is \$8.00 per hour. You must be 17 years of age and capable of passing a police background check. To apply, contact Rolf Schmitz via email at children1first@gvtc.com or by mail to: 1934 Comfort, Canyon Lake, TX 78133 no later than April 25, 2010.

PRESIDENT'S MESSAGE (continued from front page)

Yes, we have had to spend money, and will likely continue to do so until we prevail through the legal system. We did not want to incur such an expense, but the defendants left us no reasonable option. In addition, any offers by the defendants to mediate or settle the issue were unanimously unacceptable to the Board. Also while we have to initially fund the legal expenses, we feel we have the stronger argument based on legal case law, and will continue this litigation until we prevail. At the conclusion of our legal action we will ask the Court to order the defendants to pay the POA's legal expenses and up to \$200 per day in civil penalties as contemplated by the Texas Property Code.

The bottom line for your current Board members is this: Whether or not individual Board members agree or disagree with a particular subdivision covenant, we are bound to protect and defend those covenants until such time as they may be legally amended. We will continue to do whatever it takes to defend our covenants and protect our quality of life.

Consequently, we strongly urge you to disregard the proposal and petition for a special election that is being distributed by the "Neighbors for a Better Canyon Lake Hills", and to continue supporting your current Board. You will have the opportunity to elect new Board members at the upcoming annual meeting.

WE WILL HAVE OUR NEXT ANNUAL MEETING ON THE SECOND SATURDAY IN JULY, 2010, PER OUR BY-LAWS, AT WHICH TIME ELECTION OF OFFICERS AND OTHER MATTERS WILL BE VOTED ON BY THE MEMBERSHIP. WE HAVE DEVELOPED PROXY VOTING PROCEDURES TO BE USED AT THE ANNUAL MEETING.

As you know, due to an issue over proxy voting brought before the annual meeting in July 2009, and at the advice of our attorneys, we voided all results of the 2009 annual meeting. Subsequently, your Board has developed proxy procedures that will allow you to participate in voting on issues brought before the membership at the next annual meeting in the event you are unable to attend. It is the intent of the Board to ensure that the proxy voting procedures are open, transparent, and fraud-resistant. We will send you the proxy, including instructions, with formal notification of the meeting in accordance with our By-Laws. The By-Laws require us to notify you not earlier than 30 days, nor later than 10 days prior to the annual meeting.

The proxy will allow you to designate a Board Member or another property owner as your "proxy" in the event you cannot attend the meeting. This is not an absentee ballot, but a proxy which will authorize your designee to vote for you in your absence. However, you must understand that the person you designate is not obligated to vote the way you may have desired on various issues brought before the membership at the meeting. **So please choose your designee wisely. I would highly encourage you to designate someone you trust implicitly if you are going to write-in a designee for your proxy, or designate any one of the current Board members.** I know these Board members, and trust every one of them to cast votes based on what is best for our community.

To vote in person, or by proxy at the annual meeting, you must be eligible to vote per the subdivision Deed Restrictions and By-Laws which are posted on our website, www.clhpoa.org. Please read these documents carefully to insure you maintain your status as a qualified and valid voter. Although we highly encourage all property owners to attend the annual meeting in person, the proxy vote will give you the opportunity to have your voice heard. It is imperative that you vote to ensure that your rights are protected against the self-interested actions of some property owners that have an impact on the entire subdivision.

Finally, because the election of new Board members at the 2009 annual meeting was voided, the Board that was in place prior to the meeting is still in place with the exception of two Board members that were elected by the Board to fill positions vacated prior to the annual meeting as provided in our By-Laws. What does this mean to you? This means we are going to have vacancies for most all of the Board member positions, which have been filled by current Board members for three or more years. So it is going to be your turn to step up to the plate and run for a Board position. Keep this in mind: If we do not elect and have good people on the Board who will work for our community's best interests and vigorously defend our Deed Restrictions and By-Laws, we will all ultimately pay the penalty for your lack of interest and involvement. Get involved-Volunteer to serve your community!