

VERY IMPORTANT! DO NOT DISCARD!

WILLOWBROOK-SKYVIEW ROAD ASSOCIATION (SWARM)  
PO Box 869, Willits 95490

January 2013

Dear Neighbors;

We hope that each of you and your families had a good holiday season!

As we start this new year, we are happy to state that the **2 of the 3 lawsuits against the road association have been resolved, and that the 3<sup>rd</sup> is in the final stages of mediation and should be resolved shortly.** These lawsuits were the result of collection efforts, in which the 5 worst delinquent properties were turned over to an outside collection agency -- the property owners, in turn, decided to sue the Association to avoid their obligation to the roads we share. We undertook this collection action in response to the 2008 Community Survey in which the most common sentiment was to direct us to pursue those accounts which did not want to pay. Amongst the issues resolved by the lawsuits were the 3<sup>rd</sup> Gate bridge replacement, interest charges, collection time limitations, that obligations run with the land, and the ability to place liens. It was a long, arduous and somewhat humbling process; but in the end, the Association / Community has a few extra dollars to put into the roads.

Before moving on, allow us to remind everyone that suing your road association because you don't want to pay your share of the road maintenance costs is self-defeating and counterproductive. Each of us depend upon the roads to get in and out of our properties, and **the road association is simply an entity made up of, and representative of, your community.** When you sue the Association to avoid paying, you tie up precious road maintenance funds and elected Board members' time. The Association has an obligation to fight such lawsuits and the laws are on the Association / Community's side. Simply put, the laws state that every property will pay an equitable share of the road maintenance costs.

As a result of the legal oversight regarding these lawsuits, it became known that the Association's governing documents were out of date with current legislative and insurance standards. Over the past few months, with the help of our legal counsel, **we have been reviewing the current documents and the revisions necessary to bring them into compliance with the State and insurance needs.** The changes that counsel have proposed not only bring us into compliance with State laws but also reduce the Community's risk with changing legislation, Board decisions, etc.. Such changes will benefit all of us over the long term. However, **it is your responsibility as a property owner to review, comment and vote upon such changes.**

On the Association / Community's website ([www.sherwoodgates.org](http://www.sherwoodgates.org)), you will find not only the current documents (in the 'SWARM Documents' section), but also a 'red-lined' version (under the '**Member Notices**' section) showing the proposed changes and additions with any text to be removed lined-through. **We are asking each of you to take the time to review these changes and, if desired, let us know of any other**

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**considerations or comments you may think of.** Such considerations and/or comments should be either sent by email or by standard post per the contact information on the website, *within 15 days of your receipt of this letter*, to ensure time for counsel review as applicable.

If you do not have internet access, please consider using the public library to access the internet and review the documents. If you cannot get access, please contact us and we will send out the documents you request. **Please note that for each complete document set requested to be printed and posted, the cost is estimated to be nearly \$10** (and there are over 130 properties!) -- money that is better spent on road maintenance.

Around the **end of February**, following review of your comments and submissions, an updated version will be posted on the website and **we will be sending out ballots for you to vote on the final document revisions.** You will have **30 days to indicate your vote** and return them to the Association Board. Once all ballots are received by the independent election inspector, we will announce a meeting in which they will be opened and counted amongst those choosing to attend. We will also publish the results on the website and present them at the annual meeting

Should a non-majority vote be received, potentially costly community meetings and additional legal counsel representation will be needed, potentially culminating in the courts being asked to step in. **The bottom line is that these must be brought up to date and we would prefer to have your input and a positive vote.**

We look forward to hearing from each of you and hope we can make this as painless as possible!

Thank you,  
The SWARM 2012/2013 Board  
[www.sherwoodgates.org](http://www.sherwoodgates.org)