**June 21, 2016 Paul Harris Meeting – 7 PM**

Meeting At: Gundaker Corporate Centre

2458 Old Dorsett, Suite 230

Maryland Heights, MO 63043

314 770-2100

Directions: Gundaker is very near the intersection of I-270 and Dorsett Road, with Old Dorsett being the first street east of I-270 on the North side of Dorsett Road. Just follow Old Dorset Road back 2 building past Syberg’s restaurant to the Gundaker Corporate Centre.

Participants: Herb Blow (Board Member)

 Jim Fischer (Board Member)

 Tory Gambino (Representing the ten Property Owners)

 Bob Stout (Representing the ten Property Owners)

 Tom Wilhelm (Board Member)

Brief History: The Stonecroft Subdivision has a vinyl fence which borders Kisker Road. Per the homeowners who purchased lots along Kisker road they were told by the builder (TR Hughes) that the fence would not be their responsibility. TR Hughes had control and ownership of the HOA at that time and thru sometime in 2005/2006.

In roughly Fall of 2013, it was discovered that a portion of the fence was not on subdivision common ground which triggered questions about insurability. After discussion with the insurance agency, the board at that time was told the subdivision did not have an insurable interest in the fence. The Board cancelled the insurance on the fence. The homeowners along Kisker Rd whose property back to the fence disagree with this decision. The fence had been maintained and insured by the Home Owers Association from 2005-2006 until the insurance was cancelled.

Issue: The Stonecroft subdivision has a vinyl fence which borders Kisker Road. The total length of the fence is approx. 850 feet and it has two sections divided by Stonecroft Drive. Portions of the fence are on subdivision Common Ground, but the vast majority of the fence sits a few inches onto the private property of ten homes that border Kisker Road.

Questions: Does the Stonecroft HOA have an insurability interest in the Kisker fence?

What actions would be required to allow the HOA to take control or have insurable interest in the fence?

Who owns the fence that was placed on the property of the individual homeowners by the builder to enhance the Subdivision entrance and sale of Lots?

It appears to all parties that T.R. Hughes bears some responsibility for the current situation. Would you agree? If so, is there any likely remedy to be obtained from Hughes?

The Stonecroft Board wants the answer/opinion in writing referencing the appropriate indentures/by-laws verbiage. If there is a way for the subdivision to re-insure the fence, what steps exactly need to be taken and who must take them?

Meeting Materials:

1. Indentures of Trust and Restrictions for Stonecroft
2. By-Laws of Stonecroft Homeowners Association
3. Addresses of ten homes with the fence on their property (supplied by Bob Stout).
4. Plat of 43 Country Park Court (one of the ten houses).
5. Brief history regarding TR Hughes reason for the fence and review of HOA actions (supplied by Tori Gambino and Bob Stout).
6. Jason Hughes letter dated May 5, 2015
7. Signed agreement between the ten homeowners and the HOA board members June, 2014.

Notes:

1. Subdivision Web site is at: [**www.stonecroftsubdivision.com**](http://www.stonecroftsubdivision.com)The subdivision indentures and by-laws can be found here.
2. In a May 6, 2015 phone call between Tom Hughes and Jim Fischer, Tom stated the Stonecroft Indentures did not address the privacy fence. It was a T. R. Hughes mistake.

Outcome of meeting:

Paul Harris will be drafting an opinion on the issue(s) and sharing it with the board prior to the end of July. We will share the opinion with the homeowners and based any board decision on the opinion.

Please stay tuned.