

**Walnut Hill Homeowner Association**  
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Memorandum for Record

22JUN2023

To: Walnut Hill Homeowners Association Members  
From: Walnut Hill Board of Directors  
Subj: OFFICIAL RESPONSES TO FORMAL GRIEVANCES AND GENERAL UPDATES  
Encl: (1) Formal Grievances  
Ref: WHHA By-laws [WHHA Bi-Laws](#)  
WHHA Convents [WHHA Covenants](#)  
WHHA Amended Convents 2017 [2017 Amended Covenants](#)

1. Executive Summary. (one time assessment mailer – review)
  - a. This memorandum is to address the concerns brought up by Walnut Hill Homeowners Association (WHHA) members. The concerns are associated with the one-time assessment for pool renovations of the WHHA community pool.
  - b. The WHHA Board of Directors (BoD) consist of all volunteer members. These members are homeowners in our community and dedicate their free time to help make our community a better place for now and years to come. The WHHA BoD have been entrusted by homeowners to make decisions that represent the WHHA at large. With that said, the personal attacks and bullying that has occurred on social media is against the values we stand for as a community.
  - c. As a board we agree that the communication associated with the upcoming projects could have been handled better. The board is composed of newer members, and we are all learning. (add something about this has been in meeting notes since DATE).
  - d. We are a non-profit.
  - e. Our commitment to you:
    1. We will make every effort to be transparent. We are building multiple committees, listing all questions and grievances on the website, and requesting more involvement from neighbors.
    2. We will work to communicate more effectively and streamline. We are only communicating via email or website from here on out. Facebook will be used for curb alerts, community events or other notifications. We are continually updating the website so please keep checking for those updates.
2. Grievances Received.
  - a. We received (7) responses from (6) homeowners we have included Below we have included the questions received and the WHHA BOD official response to each question. This is to be transparent and let the community know the general concerns

associated with the one-time assessment and pool renovation. Below we have listed questions and responses. Some are paraphrased however we believe we have covered all concerns.

1. The issue of not giving a 30 day notice of a vote and a way to proxy vote.

- The Board held a meeting on Monday, June 19, 2023, at 8:00 p.m. EST. We discussed homeowner issues concerning the one-time assessment request during our 2023 annual meeting to make emergency repairs to our neighborhood pool. We have discovered that the board's power is restricted to the vote of a quorum that must include two-thirds (2/3) of the quorum in favor of the assessment. The quorum will consist of a minimum of 10% of the 202 homeowners in the association voting in person or by proxy on or no later than Sunday, July 30, 2023, by 4:30 p.m. EST. Each homeowner will have the opportunity to cast their ballot in person on this date from 3 p.m. to 4:30 p.m. EST at the McMillan Room in the Plainfield-Guilford Township Public Library. Per our bylaws, membership dues must be paid in full prior to the vote or the ballot will be denied as you will not be considered a compliant member of the association. Per our bylaws, each lot will represent one vote per member.

2. How was the amount of \$1,000 decided for the fee?

- We understand the quoted project and the finished product can differ in cost. We took an estimate of 286,000 and rounded up to \$300,000, then took that total and divided by number of households 200 (kept it even) for the project.
- We had in the account \$120,000 and it takes about \$16,000 to run pool
- \$200,000 from assessment (200 homes @ \$1000 each). We had a little cushion so we didn't deplete everything in the account or to cover any costs that came up. We did not want a large surplus as we didn't want to take more than was needed from our homeowners.
- We are also attempting to fundraise to have more of a cushion for unforeseen expenses.

3. Why are monthly dues going up in addition to the assessment fee?

- Prior to 2017 not all homeowners were required to pay for the pool. Therefore pool fees (@\$100 each) were not enough to maintain or make improvements to the pool, we went into a deficit. When an amendment was made in 2017 all members of WHHA should have started paying dues @\$250 each. This was just a little too late unfortunately. We need to continue to update

all facilities. The pool is the most urgent but we do plan to try a phased approach to updates. The tennis court, basketball court, volleyball, and entrance have not been maintained. With increased dues this will help with updates and upkeep so we do not have to impose additional assessments when emergencies come up. Cost of chemicals, labor, repairs, etc. are more expensive and we will incur more cost next year (lifeguard, utilities running new equipment, chemical increase for 1st year or 2)

4. Do we have copies of the pool quotes we did not use/declined and/or reasons why three weren't sought out:

- Unfortunately, due to the turnover on board we cannot find previous quotes. We did find the previous board communicated with Schmidt Associates, who looked at our facilities and declined to move forward with a project/quote. As it would be nice to have multiple quotes this was not done. We recognize this is often considered best practice, our bylaws do not require additional quotes.

5. Have we already signed the contracts with Barton to move forward with the pool enhancements?

- No, but the longer we wait the costs will increase.

5. Where has our money been going that we have been paying, and how much has gone to pool renovation? (each year our dues increase and it says it's going to the pool updates, but what are the updates?):

- No increased dues have gone directly to renovation. We have maintained the pool with an upgraded vacuum, and repair/band-aid the pump and restrooms. All other money has remained in the account to offset total renovation costs. Dues have increased in 2017 from \$100-\$250. This is the only increase we have had. The \$250 was paid by all for pool membership prior.

6. Where has our money been going that we have been paying for? Each year our dues increase and it says it is going to the pool updates but what has changed? I see on the P&L the income for 2022 is \$15k- where is that money going? And what about the \$22k income for 2021?

- The extra money is in the bank.

7. Is there anyone on the board that is related or closely associated with the contractors at Barton?:

- None of the board members are related to or have any personal connections to this company.

8. Where is the quote for filling in the pool?
  - We have asked Barton Pools for a quote for filling in the pool. We will provide once available.
  - The previous board in 2017 looked into this and it was passed to the current board in 2020-2021 that this would be upwards of \$200k at that time. To do this would also be a cost to homeowners. Our property would still need to be maintained following a fill in.
9. Income was brought in by homeowner's association fees. I'd like to know how much was brought in. That should be a part of the "profits"
  - This is a part of the Profits & Losses Document located on our website
10. How much is in the bank account for Walnut Hills HOA?:
  - As of June 15th 2023 \$148,360.77: can update with current amount.
11. I would like an itemized list of the expenses that are listed in profits and expenses:
  - This is part of the Profits & Losses Documents located on our website. If you are requesting a particular invoice please detail that in our formal grievance process.
12. Please provide a list of board members who voted for and against the project so that this may be considered in the upcoming election of board members:
  - This was a unanimous decision among board members. Due to liability and the deterioration of the pool and safety concerns.
13. The pool is used by non-residents therefore it is not exclusive to our homeowners:
  - We offset this by getting a new RFID gate system this should be mitigated. By using this system we will have metrics to further assess the use of the pool.
  - Per our bylaws this is allowable. However, with recent discoveries we plan to revisit this as a board.
14. The board should have been more forthcoming with information that it has had since September of 2022.
  - This was discussed in our annual meeting 9/18/2022. The minutes are on the website to review. There was no formal vote.
  - The board has found the pool renovations and project planning has been in discussion at annual meetings since 2012.

15. "Instead of doing such a big fee at once, maybe you could do monthly payments..."
  - We are seeking this as an option.
  - We have always offered payment plans for annual dues if someone is having difficulty paying. We will do the same with assessment fees if this is something the HOA agrees to act upon.
  
16. The idea of using the dues for something that is useful all year round (community center, playground, pickleball, splashpad, workout center, etc.).
  - Community center is very expensive more plans, demo, new survey due to flood plain
  - Playground: we do have 2 and would love to update just not sure it's the best use of large amounts of money. Brentwood and Clarks Creek have a playground very close by.
  - Splashpad: \$80,000 to install and more than a pool to operate- per Barton Pools
  - Pickleball: This is something that can definitely be done with small funds and hopefully with a phased approach can be completed.
  - Outside shelter: This would be an additional cost to homeowners outside of upgrading the pool.

### 3. Path Forward.

#### a. One-time assessment and pool project.

1. The Board held a meeting on Monday, June 19, 2023, at 8:00 p.m. EST. We discussed homeowner issues concerning the one-time assessment request during our 2023 annual meeting to make emergency repairs to our neighborhood pool. We have discovered that the board's power is restricted to the vote of a quorum that must include two-thirds (2/3) of the quorum in favor of the assessment. The quorum will consist of a minimum of 10% of the 202 homeowners in the association voting in person or by proxy on or no later than Sunday, July 30, 2023, by 4:30 p.m. EST. Each homeowner will have the opportunity to cast their ballot in person on this date from 3 p.m. to 4:30 p.m. EST at the McMillan Room in the Plainfield-Guilford Township Public Library. Per our bylaws, membership dues must be paid in full prior to the vote or the ballot will be denied as you will not be considered a compliant member of the association. Per our bylaws, each lot will represent one vote per member.
  
2. Please be mindful that doing nothing to make these emergency repairs also means choosing to pay more money in the future. This will be seen either through continued inflation of quotes for repairs or through continued degradation of the pool, causing more money to be required. We all have this responsibility through our membership in the association and MUST act now to avoid future expenses.

3. We are looking forward to properly maintaining our amenities and will not continue to push more expenses down the road for our future generations of owners. As we stated in the 2023 Annual Meeting, people make a difference in communities, positively or negatively. This board and the supporting members are determined to make a positive impact on our neighborhood and community for generations to come.
4. You will find details of the contract for repairs and pricing on our website at [www.walnuthillhoa.com](http://www.walnuthillhoa.com). You may also view our profit and loss statements, which will show minimal expenditures since the dues increased in 2017 as we have been trying to save the money for these repairs. The emergent situation calls for quicker action, which is why we initiated the one-time assessment to compensate and speed up repairs. We are looking forward to making these much-needed repairs and resolving a neighborhood issue that has lasted over 13 years.