

# MOUNTAIN BROOK of MADISON

VOL. 4, NO. 1

NOVEMBER 1, 2010

[www.mtnbrookofmadison.com](http://www.mtnbrookofmadison.com)



## OPEN HOUSE AND ANNUAL MEETING

Mark your calendars for the upcoming MBoM HOA Open House on Sunday, December 5, from 1:00-4:00 and the Annual Meeting at 4:00 the same day at the Mountain Brook Clubhouse. Drinks and snacks will be provided during the Open House. PLEASE ATTEND

MOUNTAIN BROOK OF MADISON  
HOMEOWNERS ASSOCIATION  
94 CLEARBROOK COURT, MADISON, AL 35758

## Responsibilities of the Board

The responsibilities of the Mountain Brook Homeowners Board of Directors (BoD) are to ensure the community operates within the established By-Laws, Covenants, Architectural Standards and other governing association documents. The BoD also has the responsibility to collect annual dues and other fees to operate, maintain and improve the Mountain Brook community common facilities and areas.

Over the years, the Mountain Brook homeowners have interpreted the BoD's responsibilities to include issues and problems that are not the responsibility of the BoD but are appropriately the homeowners responsibility. The BoD encourages homeowners to resolve issues or problems not related to the above stated BoD responsibilities through discussions with your neighbors, contacting the ap-

propriate government entity, or other actions as required. If you have a problem with your neighbor, try to settle it with your neighbor. If you plan some action that impacts your neighbors, it is only common courtesy to discuss it with them. Other than encouraging good citizenship, there are some areas the BoD has neither the responsibility nor the authority to act.

## INSIDE THIS ISSUE:

|  |   |   |     |
|--|---|---|-----|
| <i>Responsibilities of the Board</i>             | 1 | <i>Wildlife Removal</i>                         | 4   |
| <i>General Membership &amp; Election Meeting</i> | 1 | <i>MBoM HOA Financial / Accounting Services</i> | 4   |
| <i>MBoM HOA Fiscal Operating Program</i>         | 2 | <i>Common Pool Safety Issues</i>                | 4   |
| <i>Annual Dues...</i>                            |   | <i>Clubhouse Rentals</i>                        | 4   |
| <i>Liens &amp; Legal Action</i>                  | 2 | <i>Parking</i>                                  | 4   |
| <i>Break-ins and Home Safety</i>                 | 3 | <i>Covenants and By-Laws Update Committee</i>   | 5   |
| <i>Police Numbers &amp; Madison City Website</i> | 3 | <i>Renovations and Repairs—2010 and 2011</i>    | 5   |
| <i>BoD Elections and Officers' Duties</i>        | 3 | <i>Be Courteous to Your Neighbor</i>            | 5   |
| <i>Political Signs</i>                           | 3 | <i>Operating Budget</i>                         | ATT |

## GENERAL MEMBERSHIP & ELECTION MEETING



The Mountain Brook of Madison (MBoM) Homeowner's Association (HOA) General Membership and Election Meeting for 2010 will be held at 4:00 o'clock in the afternoon on Sunday, 5 December 2010, at the Mountain Brook Clubhouse. Agenda items will include: discussion of issues and concerns; status of repair/renovation projects; current fiscal operating program status; ratification of the proposed CY2011 budget; and the annual election of board members. **Remember, in order qualify to vote or be elected, owners must be "members in-good-standing."** Owners with delinquent accounts due to non-payment of association dues or accrued penalty fees as of 1 December 2010 will not be afforded any voting rights—whether in person or by proxy. In accordance with the MBoM HOA by-laws, if an owner is unable to attend he/she may assign a proxy vote to another owner or a board member. **A proxy form is included on page 6.**

[www.mtnbrookofmadison.com](http://www.mtnbrookofmadison.com)

## MOUNTAIN BROOK FISCAL OPERATING PROGRAM



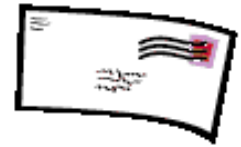
The Board of Directors (BoD) of the Mountain Brook of Madison (MBoM) Homeowners Association (HOA) reports that given the current budget status and projected expenditures through year-end, the

overall 2010 Fiscal Operating Program is expected to be executed within the level of funding received from our CY2010 HOA dues. Based on the revenue that should have been accrued as dues receivable from *all of our property owners* and expenses (excluding those repairs and renovations to the community pool, clubhouse and commu-

nity fencing which were partially drawn from the Capital Reserve Fund) the projected end-of-year Net Association Funds balance will be within the HOA operating program.

The "Mountain Brook of Madison Homeowner Association Fiscal Operating Program for 2009-2011" is presented in Attachment 1 of this newsletter.

**Payments of Annual HOA assessments must be mailed through the United States Postal Service to:**



**Mountain Brook of Madison Homeowners Association**  
c/o  
**Seaman, Shinkunas, and Lindgren, PC**  
PO Box 2588  
Huntsville, AL 35804

## Annual Dues...Liens and Legal Actions

- 1 Dec Invoice Mailed
- 1 Jan Dues to be Paid
- 1 Feb \$25 Late Fee
- 1 Mar \$25 Late Fee
- 1 Apr \$25 Late Fee
- 1 Apr Legal Action / Lien Filing Initiated
- 1 May, 1 Jun, 1 Jul, Etc. \$25 Late Fee Assessed Each Month
- 1 Jul Court Action Initiated

The BoD reminds all owners that the invoices for annual MBoM HOA dues will be mailed 1 Dec 2010 to the addressee reflected in the Madison County Tax Assessor records unless the CPA has been notified of a different address.

Dues are to be paid by the 1st of January 2011. Dues are delinquent on 1 Feb 2011. Effective 1 February a \$25 per month penalty will be levied until such time that dues and penalties are paid in full.

**NOTE: Delinquency is based on a postmark of Monday, January 31, or earlier. The date on the**

### **check has no bearing in the matter.**

Implemented by HOA policy on 1 December 2007, lien actions will be initiated on all delinquent accounts after 60 days. Ninety (90) days following lien filing a claims action will be sought through court action for garnishment of property for settlement.

Delinquent owners are responsible for all associated attorney and court fees.

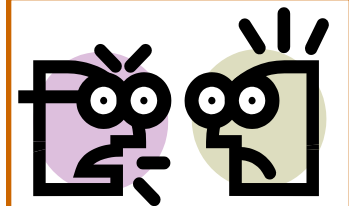


Due to the number of delinquent accounts that existed for current and prior years, formal legal actions were pursued through a law firm on behalf of the MBoM HOA. These actions resulted in the settlement of all the previously delinquent accounts. This action will continue in

2011 based on the rules provided here. There will be no exceptions unless agreed to through the BoD.

**If legal action is initiated the cost to the homeowner is estimated to be a minimum of \$350 in addition to the dues and monthly late fees that accumulate until the balance is paid in full.**

**Do you anticipate having a problem paying your dues on time? Did you receive a late notice but already sent your check? Do not ignore these issues and hope they will go away. Please communicate with the Board via website email so that we can work with you to resolve the issue or develop a payment plan. This is the only way to stop continued late fee charges.**



Complaints and suggestions may be submitted via the Web, mailed, or deposited in the MBoM HOA mailbox in front of the Clubhouse. The Clubhouse Manager and Board members' phone numbers are listed on the front door of the Clubhouse.

### **FENCING**

The approved stains for Mountain Brook community fencing are Glidden (formula 2710-0500) or Behr Solid Color Stain (Tugboat 535).

## Break-ins and Home Safety

During September and October there have been multiple situations of strangers in the neighborhood knocking on doors and attempting to break-in when nobody answered. The homeowners of Edgewater and The Reserve are experiencing the same things. Several times the Police have been contacted. This has finally succeeded in arrests for attempted break-ins. It is important that each homeowner take precautions to keep their home safe. Also, please be aware of activities and people in the area. If you see anything suspicious, please contact the authorities (see article below). Also, please email or call the Board so that we are aware of the situation. Some standard safeguards include: arm your security system, keep your garage door closed even if you are at home, use keyed deadbolt locks at all times when the house is empty, let your neighbors know if you will be gone for a weekend or several days. If you are at home during the day and walk the neighborhood, please be aware of strangers or situations that do not seem normal.

## Police Numbers & Madison City Website

For emergencies including life threatening situations where someone's life is in danger or a crime is occurring & police assistance is needed immediately dial **9-1-1**

For non-emergencies dial **256-722-7190**

The City of Madison website is **[www.madisonal.gov](http://www.madisonal.gov)**

## BoD Elections and Officers' Duties

The current BoD is seeking nominations for five (5) Directors to serve either a one or two year term. The By-laws specify that a Board of Directors governing body shall be elected yearly, each board member having one vote. The number of Directors shall be between three and five. The Board of Directors' terms shall be for a period of two years and a Director may be elected to serve any number of consecutive terms. The Officers of the HOA shall be President, Vice President, Secretary, and Treasurer, and any other so appointed by the BoD. Officers shall be elected annually by the Board of Directors at the first Board meeting following the annual meeting (the Organizational Meeting). The proposed Officers to be elected for 2011 are President, Vice President,

Secretary, Treasurer, and Vendor Management. Each Officer shall have defined duties and responsibilities. A final decision on the Officers and duties will take place during the Organizational Meeting. The By-laws provide for the ability for individual neighborhood represen-



tation. The BoD will consider this option if there are enough homeowners interested in being actively involved.

The Board encourages more homeowner involvement

which will preclude use of contractor services. Services that are contracted may result in an increase in annual dues.

The following 2011 nominations have been received. Additional nominations are requested and can be submitted via the website or at the Open House / Annual Meeting in December.

### Returning Board Members

Austin Omlie

Lisa Galentine

### New BoD Nominations

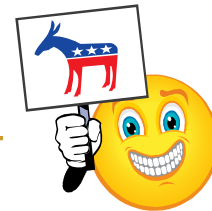
Chris McCaslin

Contact the BoD via website email if you wish to see the proposed Officer duties and responsibilities.

**PLEASE GET INVOLVED!**

## Political Signs

The political season is upon us again and soon we will have the opportunity to express our opinion when we vote. The political season also brings out political signage. The Mountain Brook of Madison Covenants state, "No sign of any kind will be erected



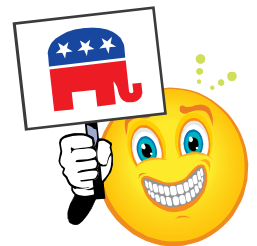
within the Properties without the written consent of the

BoD" (Article XII Section 1). The BoD has never given its consent for the erection of any political signs. The BoD feels that this policy reduces community clutter and helps prevent partisan rancor between neighbors. Homeowners have brought to our attention that there are political signs in the neighborhood. Please understand that the BoD has not approved any of these.

In most cases, a simple request to the homeowner is all that is required to have the sign removed. In some cases, however, repeated requests both verbally and in writing have not been effective. Any steps that the BoD must

take in the removal of signs is likely to be time consuming and expensive.

Since the political season is short, the Board has decided that it has better uses for your dues and our time than to follow an expensive course of action that is likely to be meaningless when concluded. The BoD appreciates homeowners' understanding in this matter.



## Wildlife Removal

Living next to open fields as we do, some homeowners have encountered members of the local wildlife population. Apparently we share our homes with a variety of wildlife. Coyotes, skunks, raccoons, opossums and armadillos have been either spotted or captured. These are in addition to the usual squirrels and feral cats. Some homeowners have been neutering feral cats at their own expense. The Homeowners Board would like to thank them for this community service. We have also received reports that some homeowners have been feeding coyotes. This is not a recommended practice. If such feeding stops for any reason, the community will be faced with an unsustainably large coyote population that has lost its respect for humans.

If you encounter the local wild life it would probably be best to leave it alone. There have not been any reports of rabies or rabid behavior, but any normally nocturnal creature like a skunk that is observed in the daytime should be avoided.

Some of you have asked the Homeowners Board about wildlife removal services. We have checked and The City of Madison does not offer such a service. Removal of wildlife is not a HOA responsibility. Please contact local government officials for recommendations on wildlife removal services.

## MBOM HOA Financial / Accounting Services

The MBOM HOA has had a long association with Robert Seaman. Mr. Seaman provides us with financial accounting, bill paying, dues collections, tax filing, maintaining the homeowner mailing list, and other miscellaneous services. The Board has voted to move our services with Mr. Seaman to his new practice at Seaman, Shinkunas and Lindgren, PC. Their offices are located at 401 Holmes Ave., Suite B-2, Huntsville, AL, 35801. They can be reached at 256-489-3787. If you are selling your home, provide this information to the closing attorney so they can confirm payment of your annual dues.

## Common Pool Safety Issues

The “No Glass In the Pool Area” policy is meant to provide a



safe environment for all pool patrons. Broken glass in or around the pool can cause

serious injury to everyone and result in a costly expense to drain the pool in order to ensure that all glass has been removed.

Additionally, we encourage all pool patrons to observe proper swimming pool hy-

giene. Shower before and after using the pool. Discourage children who may be tempted to urinate in the pool. If you observe any urination or defecation in the pool, notify the Clubhouse Manager immediately so the pool may be closed and cleaned.

Finally, the BoD received repeated complaints of use of the pool facilities by non-residents. In several instances, our members expressed concern over the behavior and apparent “non-residency” of these individuals. Do not hesitate to confront someone you do not believe is a resident or their guest. If you are alone, leave the pool area

and contact the Clubhouse Manager.

The BoD is confronted with addressing the repeated violations of glassware restrictions and accountability of patrons using the pool facilities, and is considering a number of measures to remedy the problems - including the installation of security cameras. An initial starting point is for every member to abide by the rules, police the activities while at the pool and report obvious violators to the Clubhouse Manager or BoD, as necessary.

## Clubhouse Rentals



If a homeowner would like to rent the clubhouse, they can contact Eric St. John, the Clubhouse Manager, via the website or phone 256-503-7059 (also posted at the Clubhouse). Mr. St. John will meet the homeowner the day prior to the rental and they will go through the pre- and post-rental checklist. The homeowner will sign a contract and provide separate checks for the rental fee (\$25 per day) and the deposit (\$200). A joint post rental inspection will be performed after the rental and before return of the deposit check. Homeowners can check the website calendar for Clubhouse availability, but the Clubhouse Manager is the final authority on Clubhouse availability. Email the Board or the Clubhouse Manager via the website if you would like a copy of the contract and checklists prior to your rental.

## PARKING

The BoD has received an increasing number of complaints about parking. Each homeowner is expected to use their garage and driveway for regular parking. The typical number of cars in a home should not exceed the space in the garage and driveway. Driveway parking should not obstruct the sidewalk. Visitors to the home are allowed to park on the street during the day and guests to the home are allowed to park on the street for several days. Parking should be in front of the house and should not be in front of a neighbor’s house. Excess parking is available in the Clubhouse lot. The BoD will refresh these rules next year and post them on the website.

[www.mtnbrookofmadison.com](http://www.mtnbrookofmadison.com)

## COVENANTS AND BY-LAWS UPDATE COMMITTEE

Times change, people change, laws change and our covenants may need to change. Legal experts recommend covenants be reviewed every ten years to make sure they are up-to-date with current laws and practice. The MBoM HOA Covenants and By-Laws are dated 11 May 1988 and have never been amended. These covenants were copied from another HOA and have never fully applied to MBoM. The current BoD is considering pursuing a complete overhaul of the covenants and by-laws. This will be a lengthy process that will eventually result in a completely new document for our community. Any homeowner interested in serving on a Covenants Committee, please contact the Board via the website. All homeowners are encouraged to monitor the website for updates and review documents throughout the process.

### Renovations and Repairs — Completed in 2010

This year the BoD completed several major refurbishments to MBoM property and common areas throughout the community.

**FENCING:** Approximately two (2) thousand linear feet of common fencing was refurbished in 2009. The remainder fourteen (14) hundred linear feet of common fencing was refurbished in 2010. The fence project is now complete. This effort consisted of several measures, to include replacing (as required) warped boards, rotten posts and disreputable fence planks; use of deck screws instead of nails (which through “pulling” nails allow warping of the lumber); and restaining the fence. As a reminder, homeowners are responsible for the shared costs for maintenance and repair of any fencing that has its interior facing their private property with the exterior of the fence facing the community common areas which is the responsibility of the MBoM HOA.

**POOL SIGNS:** The Board replaced the pool signage this year.

**OUTDOOR FURNITURE:** New outdoor furniture was acquired for the pool and tennis court area. This included the addition of a bench outside the tennis court and trash bins. This furniture is designed to last a long time while also looking appealing.

**CLUBHOUSE SHUTTERS:** Wood shutters were placed on all the Clubhouse windows. This has lowered the utility costs and also added to the overall curb appeal of the Clubhouse.

**POOL AREA UPGRADE:** Belgium Edgers were placed around the pool area in addition to the existing green metal edging to help prevent mulch runoff onto the concrete and into the pool from heavy rains.

### Renovations and Repairs — Plans for 2011

The BoD maintains a list of requests from homeowners for maintenance and improvements in the neighborhood. Feel free to contact us if you have a suggestion. The potential candidate projects for next year are listed below (they are not in priority order and have not yet been approved). The final decisions and priorities will be made at upcoming board meetings. Homeowners may provide comments on the overall list and prioritization at the Open House / Annual Meeting in December.

- Tennis Court resurfacing and net repair
- Tennis Court Backboard
- Fully enclose tennis court with fence and keyed access
- Security Cameras
- WiFi at Clubhouse and Pool
- Renovate landscaping at entrances - new letters on brick entrances
- Keyless entry card system to all locked areas
- Safety winter pool cover
- Clubhouse attic insulation
- Glass covered bulletin board outside the pool gate
- Updated no soliciting signs

### *Be Courteous to Your Neighbor*

- **Do not dispose of yard waste and other garbage on ANY vacant lot . These lots have owners that then have to clean up your garbage. If a “No Dumping” sign is posted on an empty lot, you can be prosecuted for dumping.**
- **There are no community dump areas on any street. Yard debris should be placed at the street in front of your property.**
- **Communicate with your neighbor if you are about to start a large outdoor project, especially if there is a chance their property or their convenience may be temporarily impacted.**
- **The MBoM HOA is not responsible for resolving conflicts between neighbors. Please attempt to work issues independently.**
- **Madison City has leash laws and sanitation laws regarding animals. Search “Leash Laws” on their website to review. Please observe these laws.**

**MOUNTAIN BROOK OF MADISON  
HOMEOWNERS ASSOCIATION  
94 CLEARBROOK COURT  
MADISON, AL 35758**

[www.mtnbrookofmadison.com](http://www.mtnbrookofmadison.com)

**2010 BOARD OF DIRECTORS**

President - Mr. Austin Omlie

Vice President- Mr. Stanley McMurtrie

Treasurer/Secretary - Ms. Lisa Galentine

Trustee - Mr. Tom Keeney

Trustee - Ms. Donna Brown

Trustee - Mr. Aaron Smith

**Email: [Board@Mtnbrookofmadison.com](mailto:Board@Mtnbrookofmadison.com)**

***Your Email Address - Community Alert Notifications***



The BoD has attempted to gather email addresses for homeowners each year we send a newsletter. However, due to a shortage of Board members we have been unable to develop an email list. With the break-ins in September and October, it has come to our attention that Edgewater was able to send a Community Alert email notification that day. Once again we will collect email addresses, but our ability to develop and use a mailing list will depend on the ability of the incoming BoD. Send your name, address, and email(s) to [Board@Mtnbrookofmadison.com](mailto:Board@Mtnbrookofmadison.com). Your email address will be held in total confidence and will not be provided to anyone outside the BoD, Clubhouse Manager, and Accountant. You may also give this to a Board member at the Open House. **NOTE:** Our email account will be GMAIL, so it will not work to Government email addresses.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Email(s): \_\_\_\_\_

----- CUT and MAIL -----

**Mountain Brook of Madison Homeowner's Association  
Annual Budget/Election Proxy Form**

The annual *Mountain Brook of Madison Homeowner's Association CY2011 Budget Ratification and Election Meeting* will be held at 4:00 PM, Sunday, 05 December 2010. Location is the Mountain Brook Clubhouse. A proxy assignment is permitted to another MBoM HOA member in the event an owner cannot attend. If you own multiple homes, please complete entries for each respective property. Please print or type, sign, and provide to a board member, drop into the clubhouse mailbox, or mail to the address above.

OWNER(S): \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ (HOME) \_\_\_\_\_ (CELL)

OWNER WILL NOT ATTEND AND DESIRES PROXY ASSIGNMENT TO :

\_\_\_\_\_

ISSUE/CONCERN and/or NOMINEE(S)

SIGNATURE: \_\_\_\_\_