

Avondalehoatx@gmail.com

The Board of Directors and Officers would like to wish everyone a happy and safe July 4th.

# "AVONDALE PRIDE"

Please get your landscape in tip top shape this week!

# Are you new to the sub-division?

We would like to make residents aware that we do have minimum landscape standards in the sub-division. They include the following:

- Mowed Turf (Grass)
  - Edged Turf
  - Green Turf
- Minimum Weeds in landscape
  - Weed Free Flower Bed
- Flowers would be great! But not required.



Most residents have exceeded these standards. But we do have a few that do not meet the minimum. Let's get with it! Show that "Avondale Pride"!

Everyone loves to move to a community that is well maintained and aesthetically pleasing. Please do your part to keep it this way. Maintain your property. A key to a successful homeowners association is, of course, the unity, consideration and cooperation of the residents themselves.

## **Message from the DeSoto Police Department**

As a reminder, possession of and discharge of fireworks is illegal in the City of DeSoto and each year the DeSoto Police Department receives numerous calls regarding illegal fireworks. Please help us keep the community safe and report any illegal activity not only on the 4th of July, but each and every day.

Thank you! Officer Cindy Tyndall – Mendez

## **UPCOMING EVENTS**

National Night Out is coming up the first Tuesday in August. Please contact Shawanda Nora at <a href="mailto:snora31@yahoo.com">snora31@yahoo.com</a> if you would like to participate and plan for this event. Last year event members:

#### **Event Committee**

- Shawanda Nora
- Kim Pruitt
- Camille Scott
- Lauren Montgomery
- Dwight Chambers
- Ejaye Jones
- Canell Thompson
- Sarah Foster
- Ms. Lynn
- Marla Wilkerson

### Last Year National Night Out Summary (2011):

#### **Guest Speaker:**

Senator Royce West legislative aide Kelvin Bass

Gallery of photos from last year: http://www.lcpstudios.net/p181421186

#### **Vendors at last year event:**

Face painting/Balloons: Payasito Lucesita (214) 777-3331

Sno Cones: Tami Treats (972) 228-2285

Inflatable's: (214) 597-2888

We would love to hear from the community with suggestions, and ideas for additional events. Please contact the Avondale Homeowners Association via email:

AVONDALEHOATX.GMAIL.

We had a great event on last year. We would like to make it better this year (2012).

On that note we have a few property owners that have failed to properly maintain their property under our Avondale CCR's. We have communicated with a number of owners concerning their issues over the past year. We have a few that have yet to contact the homeowner association to provide an update on repairs to their property. Over the next few weeks the Avondale HOA will be contacting property owners that have failed make the required repairs to their property since the storm over a year ago. We will also schedule a meeting to allow those owners to meet face to face with board members to discuss their situations. We have had owners in the community that request that the HOA provide financial assistance. We will not be providing financial assistance. We have property owners that have communicated to the HOA that DeSoto has community organizations that can provide assistance with your repairs. Please contact the HOA avondalehoatx@gmail.com if you would like the contact information.

We will also be communicating to property owners with these issues:

- Dead shrubs and trees
- Excess Weeds in their flowers beds
- Shrubs not trimmed
- Roaming cats (We have contacted the city of Desoto code enforcement.
   We have residents reporting that these cats are in their back yards scattering trash by tearing into plastic garbage bags)

The above issues were reported by property owners to the Avondale Homeowners Association, Inc. These above issues represent 8 percent of the property homeowners, and 3% of renters.

# **HOA** receive a Grant from the City of Desoto

The HOA has received a matching grant for \$1,300 to be used to enhance our community. This is a list of past projects that the Board and Officers used matching funds for:

- Sign toppers on the stop signs at intersection and light poles
- Avondale Pride program
- National Night Out Program for crime prevention
- Entryway Garden Area (Flowers, Shrubs, and Tree maintenance)
- Irrigation repairs
- Landscape lights
- Wall repair on the both entry ways.

### UNPAID HOA DUES

Seventy percent of the residents have paid their HOA dues for 2012. HOA dues are mandatory for property owners in this subdivision. All property owners that have balances will be mailed statements within the next week. If you are unable to pay the amount due, please contact the HOA in order to make payment arrangements via email at avondalehoatx.gmail. HOA dues provide the operating revenues which pay for maintaining the common areas, as well as the water, electricity, property insurance, office supplies, accounting and legal services.

### **Board of Directors**

James Thompson, Board Shawanda Nora, Board LaMichael Pruitt, Board James Hurndon, Board Al Benskin, Board

### **Officers**

President: Al Benskin
Vice President: James Hurndon
Treasurer: Jeffrey Jacobs

We are always seeking assistance from everyone in the community. We have a number of different committee positions available for anyone that would like to participate in the Avondale Homeowners Association Inc. We do have a group of property owners that oversee the landscape, and events. If you do have an issue, or problem with the association please forward your issue, and propose solution to that issue to us.

# **Legal Update**

Most of you are of aware a series of lawsuits that were filed by Mr. and Mrs. Wheeler against the Avondale Homeowners Association, Inc. over the past 13 months. The Avondale Homeowners Association, Inc. includes every property owner in the community. The HOA will continue to keep everyone in the community informed of the issues to allow you to make an informed decision.

The latest amendment to the lawsuit was filed in May, 2012 by Mr. and Mrs. Wheeler with claims regarding the election that was held during our Annual HOA Meeting that was held in April, 2012. This lawsuit was combined with the original lawsuit that was filed by the Wheelers in Dallas County against the Avondale Homeowners Association Inc. regarding the denial of their iron gate. At the request of Avondale Board Members and Officers, on Friday, June 29, 2012 at 9:00 am all Avondale Board Members and Officers, Mr. and

Mrs. Wheeler, and attorneys representing both parties met with a mediator in attempt to resolve the issues of the denial of the iron gate and the claims regarding the election held in April 2012 for open Board and Officer positions. The mediator heard both sides, reviewed the facts of the lawsuit, and attempted to help both parties find a medium that would satisfy both sides without having to proceed to court. Multiple offer proposals were negotiated by the Avondale Board and Officers and given to mediator to pass along to Mr. and Mrs. Wheeler. After four hours attempting to resolve our issues, the mediator returned to our conference room and informed us that the Wheelers were unhappy with the terms of the offered agreement presented by the Board and Officers and walked out of the mediation proceedings. Despite the departure of the Wheelers, the Board and Officers continued to negotiate an additional offer proposal to resolve this issue to be presented to the Wheelers via our representing attorney. Avondale HOA Board Members and Officers feels it is in the best interest of the community to resolve this issue before going to court and we are attempting to find the best possible solution that is suitable for everyone involved. The Wheeler's lawsuit against Avondale HOA is covered by our insurance policy to defend the Avondale Homeowners Association Inc. (property owners), Board of Directors, and Officers during this process.

The Avondale Homeowners Association Inc. membership is mandatory for all property owners. Avondale Homeowners Associations has the authority to enact and enforce maintenance and design standards in addition to those established by City of DeSoto ordinances. Any changes to the exterior of your property (such as swimming pools, changing from the existing color paint on your home, etc.) should be submitted in writing via email or letter to the Avondale Homeowners Association Inc. Architectural Control committee ("ACC) for approval. This will eliminate most issues between the property owner and the HOA. A copy of the By-laws, and CCR's can be found at this link: Avondale HOA web-site link If you would like to see details around all of the court documents please follow the links below:

Below is the link to view all documents that have been filed with the court regarding the Wheeler v. Avondale HOA case. To access the records, just click on the "Public Access to Court Records" link once you log onto the page. From there, just enter the case number, which is: dc1112728 (Current) or dc 1105992 (Non-suit). That will bring you to all of the documents that have been filed. You can click on each individual document to view the actual document.

http://www.dallascounty.org/applications/english/record-search/rec-search intro.php

### Legal Issues Summary

1. Sterling and Robin Wheeler, Plaintiffs vs Board of Directors, Avondale Homeowner's Association, Inc.

Cause No or Case Number: 11-05992

Status of this case: Order granting plaintiff's motion for non-suit was granted by the court. When someone brings a suit against another person or entity, they can file a Notice of Non-Suit. That is, they can dismiss their own case. A Notice of Non-Suit says that the plaintiff prefers not to pursue the cause any further. An order granting the plaintiffs motion for non-suit is signed by the judge saying that the judge received the order of Non-suit and will dismiss the case without prejudice. It means that the case will be dismissed (non-suit) and can be re-filed within the statute of limitations (without prejudice) if the person desires.

2. Sterling and Robin Wheeler v. Avondale Homeowner's Association, Inc.

Cause No or Case Number: 11-12728

Status of this case: Trail date was schedule for August 13, 2012, met with mediator on last Friday, June 23, 2012. Issue is not resolved..

HOA Attorney information: Avondale Homeowners Association, Inc. attorney is Jerry L. Ewing, Jr. with Walters Balido & Crain.

3. Housing Discrimination Complaint

Sterling and Robin Wheeler v. Avondale Homeowner's Association, Inc.

Inquiry No. 336012

HUD Case No. 06-12-0638-8

Date U.S. Department of Housing and Urban Development (HUD) accepted the complaint

Status: On March 8, 2012 HUD referred this complaint to the Texas Workforce commission, Civil Rights Division for investigation. Case remain open.

4. Another lawsuit was filed for not having a fair election at the annual meeting back in May, 2012. This issue was merged with the other lawsuit.

### TOP CONCERNS FROM RESIDENTS:

- Homeowners not picking up litter along their property.
- Owners placing garbage out the night before collection day, and not placing it in a trash container.
   Animals (cats, skunks, rats, and birds) tear into the bags. Owners not picking up litter in the alley after collection days.
- Adults and children walking and playing in the alleys, as well as walking between homes. Parents, please talk to your kids about this issue.
- Cars speeding in the community. Please slow down!
- Owners not maintaining their fences.
- Dogs and cats at large
- Landscape-(Maintaining-Excessive weeds, turf)

