



The Polaris Beacon



Star Valley Estates Newsletter
June, 2010

VOL I ISSUE 3

A publication of the Star Valley Estates Home Owners Association Webpage: www.starvalleyestates.org
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IMPORTANT NOTICE

Next Meeting
Thursday, JUNE 10, 2010
6:30 pm
Ryan Airfield Conf. Room

Meeting Time and Location

New time:

Six thirty PM,
The **Second** Thursday of each month.

New location:

Ryan Airfield Conference Room in the Tucson
Airport Authority Building just to the right of
Todd's Restaurant . Plenty of parking.

Directions from Star Valley:

Take Wade Rd. to Valencia.

Left on Valencia to Ajo.

(You are guaranteed a trip
without sun in your eyes)

Left on Ajo for a short distance

Right on Airport Drive.

Park in lot in front of Todd's Restaurant.

Meeting room is in building to the right.

Distance:

Approximately 3 miles on Valencia. This is closer
than the former meeting location on Cardinal Ave.

**This notice will not be repeated in detail
in the next issue**

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The Neighborhood Is Looking Good.

by Dave Blankenbaker
StarValley Board VP

Weeds, weeds, weeds, seems that's the battle cry we all hear the most around here. I just completed a drive through with our property manager, Cindy Borquez, and I must say "congratulations" Star Valley. You are looking great. I'd give the neighborhood about a 95% for doing a great job on the weeds. We still have some issues that we are working on, a few foreclosed homes that could use some work; all in all on behalf of the board, I say thanks. It's our neighborhood and it's up to us to keep things looking good. This builds pride as you drive down the street and realize that everyone has done a great job taking care of their homes. Also it builds a reputation that gives people a desire to live here and that in turn keeps our home values a cut above other neighborhoods. Even in these rough times our homes are selling at fairly reasonable prices.

Can Star Valley Govern Itself?

by Dave Blankenbaker
StarValley Board VP

First I would like to explore with you the purpose of the HOA. When we purchased our homes here in Star Valley we were all told that there is an HOA. Did we know to what extent that was going to affect our lives? Probably not, at least for some of us. An HOA is established to manage common property like streets, parks, pools, conference rooms, meeting halls and, in Star Valley's case, a hole in the ground called the basin. No, we didn't get much for our HOA money but nevertheless the HOA is ours.

The HOA also serves as the neighborhood watchman to see that everyone is playing by the rules. Rules are found in the CC&R's (Covenants, Conditions & Restrictions), the By-laws, the Rules and Regulations and the Design Guidelines that you received when you closed on your property. I would bet that most of you haven't even looked at them since you closed on your property. You should at least scan through them again sometime, since there are some really good rules that are meant to keep our neighborhood looking attractive to prospective buyers and to your other neighbors at large. We as a board are held responsible by Arizona statutes to govern the HOA. Our HOA is a licensed, non-profit corporation, and as such, there is very little wiggle room regarding rules and regulations. Different board members take that responsibility to different levels and that is how you end up with many opposing positions. All in all you as a homeowner in an HOA do have some recourse if something in the neighborhood is not right.

Can Star Valley self govern?? That is the ten million dollar question. There would be two ways to go about this, first with an HOA and second without an HOA.

Let's first explore the option of self-governance with an HOA. The major portion of our dues goes to Cadden Management for managing our corporation. To manage without Cadden, someone would have to take over all the work it performs: e.g. taking minutes at meetings, doing

drive through inspections, writing and sending out violation letters to persistent violators, mailings notices and much more than I am even aware of. We cannot get even 10% participation in the monthly meetings so where would we find the volunteers to do what Cadden does?

If we stick with an HOA, retaining a management company is a must. It will be up to the board, as in the past, to determine how strictly the rules will be applied. Self-governance here simply means that each homeowner agrees to know and abide by the rules without oversight.

What would happen **without an HOA**? It is possible, but legally difficult, to do away with the HOA.. According to our CC&Rs, it would take a 75% affirmative vote of all members to get rid of the HOA. Legal counsel would be required to deal with the transfer of the basin lots to another party - complicated, but not necessarily impossible.

Your board is presently working diligently to relieve the community of the responsibility of maintaining the basin lots. It could, however, happen that we are stuck forever with one or more of the basin lots, and, therefore, abandonment of the HOA would fall into the legal complications mentioned above.

Now, suppose we get rid of the basin lots. Without the basin lots, we have no common property. Without common property, an HOA cannot exist under the legal definition. Let's say that happened, now we're rid of the HOA once and for all. Let's say the two houses on either side of you went up for sale. The new homeowners are told there is NO HOA. Does that mean that they are free to do whatever they wish with their property? The answer is NO. The CC&R's still apply since they are an incorporated part of your deed.

The problem here, if there is one, is that the HOA would no longer exist as an enforcement arm. When you purchased your home, you granted the HOA the power to place a lien on your home, if you do not abide by the established rules. Consequently, your home is at risk. In the absence

of the HOA, the backup enforcement arm here, I think, would be Pima County.

Are your new neighbors going to move in two horses and set up a 24-7 garage sale in their driveway where cars are coming and going all hours of the day? Let's say the neighbors across the street parked 6 cars in the rocks around the house and tore them apart and it ended up looking like a junkyard. Suppose the neighbors let weeds grow to one to two feet tall. You will have recourse through the county, but it will be more cumbersome than through the HOA that you just eliminated. Well, the good news is that none of that will probably happen but someone will sure try and scare you into believing that it will.

I have a Polaris Ranger vehicle that I frequently drive around Star Valley and the adjacent neighborhood with my two dogs. Nowhere do I see signs of the possible Armageddon that I just discussed, but it could happen. Star Valley West has no HOA and I could live there as happily as I live here. If you drive through there some day, you may see some weeds on repossessed homes, but no junked cars in front yards, no perpetual garage sales, and no horse farms. Could Star Valley self govern with or without an HOA? It's up to YOU. If you keep your weeds down and your front yards looking good, and keep your cars where they belong, I believe we can.

See you at the meetings,
Dave

Cadden Management Holds a Board Training Session by Marc Borom

On April 17, 2010, Cadden Community Management held a special, five-hour training session for board members (both new and returning) from communities, which they manage. Every HOA member would benefit from such a session, but that is not a feasible option. The following Star Valley Estates HOA

board members attended the session: Brian Scott, Marcus Borom, and Jimmie Williamson.

Here are some of the highlights of the sessions.

It was stressed that an HOA is a licensed corporation, which is governed by specific documents and guidelines. These include our own documents [Design Guidelines, Rules and Regulations, Bylaws, the CC&Rs, and the Articles of Incorporation], which the board is legally **OBLIGATED TO FOLLOW AND ENFORCE.**

In addition, there are superior state documents that may supersede some of our current documents, so the board members and the management company have to be alert to any legislative changes that occur. As Dave Blankenbaker mentioned in the previous article, there is very little wiggle room here.

The bottom line is that the board is obligated to assess compliance with the governing documents and to enforce the regulations. The two-word command that was given to the attendees was simply – **Make Decisions.** The board is not obligated to resolve personal disputes between neighbors. The board is simply obligated to address issues of non-compliance.

When you signed your deed associated with our CC&Rs, you incurred a lien on your home. **Yes, there is a lien on your home right now.** That lien covers any failure to pay an HOA assessment, which is an obligation, just like your property taxes. A notice of the lien is not required. If the delinquency becomes large (magnitude subject to Board discretion), it is, however, to the benefit of the HOA to file a formal lien. Filing a formal lien makes it less likely that the lien will be overlooked on the sale of the property and it establishes the priority of the lien holder.

In the event of a foreclosure, subordinate liens (such as HOA assessments) are **EXTINGUISHED.** If I remember correctly, fines and fees cannot become a part of the lien unless a court action has declared them to be included.

Attorney Wendy Ehrlich reinforced, that, if there is no common area, there can be no HOA - at least not one that falls under the regulations of the

Planned Community Statutes in Arizona. Homeowners in a community without a common area can band together and form a community organization, but it does not have the teeth of a formalized HOA.

A community organization without a common area falls under the regulations for a Non-Profit Corporation. I vaguely recall that imposition of any fine in the latter case requires a court action.

It was also confirmed at the meeting, that, if an HOA is dissolved, the CC&Rs still apply since the CC&Rs go with the land and not with the HOA.

Obligations of a Homeowner

- 1) Know your governing documents! Read them. Study them. Comply with them. If you have any doubts or questions, contact Cadden Management or a Board member.
- 2) If you object to any rule or regulation, or have any suggestions for changes in the rules, let a board member know. Your objection will be considered in an open meeting.
- 3) If you have any doubt, if a change in your property is permitted in the documents, submit a request to the Architectural Review Committee, even if it turns out that the proposed change requires no approval. Submitting a request will avoid non-compliance problems in the future and will confirm that the change is approved. The process is streamlined, and should not take much effort on your part.
- 4) Pay your assessment. The current board is working diligently to lower your assessment rate.
- 5) There are probably other obligations.

Status of the Basin Lots

The team of Dave Blankenbaker and Marc Borom met with Joe Cesare and his son Jeff on Tuesday Feb. 23, 2010 to discuss the disposition of the basin lots.

Joe Cesare acknowledged our desires and said that he would do what he could to accommodate them, but he reserved his decision until after his lawyers had reviewed the documents. He asked that the Board be patient and said that he would try and have an answer within a month.

As of the June meeting it will have been almost four months since Joe Cesare made his one-month promise. Emails and calls to his office have gone unanswered. Such lack of attention to a matter so critical to our HOA is not only poor business, but also borders on disregard for our community.

At the June meeting the board will consider options for proceeding.

Be a Responsible Pet Owner

by Dave Blankenbaker

We do love our animals. However, barking dogs can be a nuisance. Summer is here and many of us like to sleep with our windows open. There are many ways to deal with a barking dog. The most reliable way I have seen is a bark collar. The collar gives off a mild electrical stimulus when the dog barks and after two or three times they get the connection - end of barking.

You can pick up a collar for under \$50.00. Your neighbors will appreciate it and so will you. It is your pet and your responsibility, so be considerate of your neighbors. There is nothing like a good nights sleep in a cool breeze.

Wildlife in Star Valley

One of the advantages of where we live is that we are close to nature. We just have to learn to appreciate the wild creatures in whose backyard we live. In the last issue of the Beacon a report was given regarding an encounter with a large diamond-backed rattler. Pat Linn has pointed out that, if you cannot handle the situation yourself, just call our local fire department and they will move the snake out of or your yard for you.

Regarding rattlesnakes, here is a situation that you would be very fortunate to observe personally. A friend of the editor pulled into his driveway in east Tucson recently and was treated to a display of two, large, male diamond-backed rattlers engaged in a male dominance battle. It is very difficult to wrestle when you have no external limbs. You can view the video of the event, which he posted on YouTube at:

<http://www.youtube.com/watch?v=U8rQO-9J5Zg>

Here is a similar event witnessed by Dave Blankenbaker's little sister. Truly spectacular.



The following is a note from sent by Catherine Gordon regarding recent animal activity in her own yard. Catherine, thanks for your input.

Subject: Large cat in the area

Just a note to let you know that we have a large cat in the area. I heard it running along the

side of the house last night [Apr. 8] and found this print this morning. I've also been told by McHenry that the caretaker of the dog park has seen large cat prints over on the other side of Wade recently. A lot of folks appear to leave their dogs out at night and may want to know that the cat is in the area, [so they can] consider their options. Just a part of living in the desert, but this is a good-sized kitty.

Catherine Gordon



[Ed. Note: The photo above, supplied by Catherine Gordon, shows a paw print almost seven inches in diameter. Typical of cats, there are no claw marks in the print].

Input from Homeowners is requested.

Homeowners – This is your Newsletter.

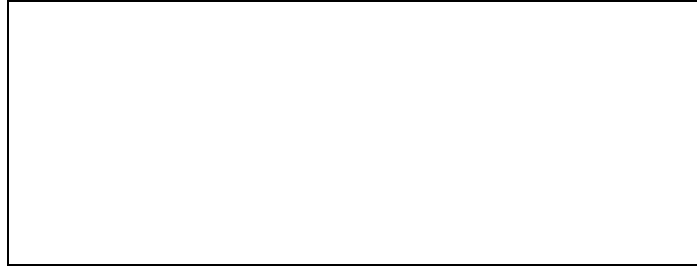
Your input is requested. If you have an item of interest to the community, please send it to the editor either in WORD format, or just as email text to:

polarisbeacon@earthlink.net

Thanks to all who contributed to the current issue of the Polaris Beacon. I hope to see more in the future. Let your feelings and input be heard.

This is YOUR NEWSLETTER

Star Valley Estates
1870 W. Prince Road, Suite 47
Tucson, AZ 85705



Star Valley Estates Newsletter

April. 2010

Notice:

Next Board meeting: Thursday, JUNE 10, 2010

Conference Room
Tucson Airport Authority Building
Ryan Field
Near intersection of Valencia and Ajo

See newsletter for details.