

Merifield Acres Newsletter
Vol. XV, No. 2
October 31, 2009

The common interest community known popularly as Merifield Acres is composed of developments established over time. Elected by property owners in good standing, the volunteer Board of Directors of the Merifield Acres Landowners' Association (MALA) and the volunteer Architectural Committee tend to the day-to-day business of the community. With courtesy, communication, and cooperation, and in an orderly manner, property owners in Merifield Acres share responsibility for maintaining the security, roads, and appearance of Merifield Acres, thereby protecting its peaceful and wooded surroundings, enhancing property values, and preserving Merifield Acres as a highly desirable place in which to live.

CAUTION ALERT: A verified RABID fox was removed by the Mecklenburg Animal Control in the area of Lakepoint Drive and Oak Run. Earlier in October, a rabid fox was killed on Meriwether Drive.

The Merifield Acres Landowners' **Association Annual Meeting** was held Saturday, October 10, 2009, in the Oak Park Stable. The MALA Fiscal Year 2010 Budget developed by the Treasurer and recommended by the Board was approved by the Association membership by a wide margin. Re-elected as members of the nineteen-member Board of Directors were incumbents Clint Dalton and Martha Day; newly elected, Nola Adler, Chris Crouse, Bill Smith, and Mike Gupton, who returns to the Board. Re-elected to the three-member Architectural Committee was incumbent Pete Klimas. For 2009-2010, MALA President is Bill Woodfin; Vice President, Nola Adler. Greg Sansing and Cathy D'Amato agreed to continue as Treasurer and Secretary respectively. Likewise Kevin Hensley as Architectural Committee Chair. Database Assistant Treasurer remains Joyce Woodfin. The Annual Meeting was preceded by the successfully revived traditional potluck picnic. The minutes for the 2009 Annual Meeting have been posted on the MALA Website www.kerrlake.com/mala.

As in 2008, also in 2009 a markedly higher number of votes were returned, 153 mandatory and 44 non-mandatory, for a 197 total. On the ballot this year, comments were invited. Comments were made by 51 of the votes, 38 from the mandatory units and 13 from the non-mandatory units. Approximately 72 lot owners participated in this year's Association Annual Meeting, higher than in recent years, about 54 mandatory members and about 18 non-mandatory members.

At its April 14, 2009, meeting, the Board had encouraged the non-mandatory Board members to consider forming a Non-Mandatory Units Committee that would enforce the respective restrictive non-mandatory units' covenants, manage their financial affairs, increase equivalent contributions to the expenses of the inclusive Merifield Acres, and develop policies and rules and regulations specific to the non-mandatory units. At the June 9, 2009, Board meeting, there was

discussion mostly against the suggested bylaw changes; but the President and the Governance Committee were committed to going forward with the suggested changes. At the August 11, 2009, Board meeting held in the Clarksville Town Hall, both Nola Adler and Hal Norman, heading up the Fielding Covenant Committee, shared the legal opinions that they had obtained regarding the legality of the suggested changes and whether or not MALA actually fell under the Virginia Property Owners' Association Act (VPOAA). The bylaw changes had been presented as necessary in order to comply with the VPOAA. The 45 votes total present (Board members and observers combined) agreed to form an *ad hoc* committee composed of the President of the Board and both mandatory and non-mandatory members and to seek legal opinion regarding the suggested revisions to the MALA Bylaws to realign Merifield Acres' governance. Upon the prior urging of a number of Merifield Acres' residents, this legal opinion had already been requested. The *ad hoc* Merifield Acres Committee met August 22, 2009, to discuss the legal opinion promptly received August 18. Subsequently, this temporary committee has developed into the **Committee to Unite MALA**, chaired by Richard Wikle, non-mandatory Board member, who has already formed the Committee of four mandatory and three non-mandatory Association members: in addition to Richard Wikle, Martha Day, John Gilmore, Ben Jackson, Hal Norman, Bill Smith, and Billy Wells. The purpose of the Committee to Unite MALA, states Richard, is to bring together all of MALA under one legal set of governing documents that will not interfere with the existing respective covenants. [For further detail, kindly see Governance below.]

Since the 2008 Annual Meeting, the **Architectural Committee** has approved three new houses, two additions, one detached garage, one swimming pool, and one shed. Progress continues on the issue of derelict properties. The Committee has assisted Aviation with hangar design and construction.

Appearance and Beautification has just spruced up the entrance to Merifield Acres.

The thirteen-acre airstrip built by Meriwether Fielding Lewis and intended for the use of Merifield Acres property owners who fly and their guests is the most valuable non-taxable component of Merifield Acres. A private-use airport, Merifield Acres' airstrip is marked with an **R** for Restricted on the navigation charts and the private directories in use, per the Federal Aviation Administration (FAA) and echoed by VA-DOT Aviation, according to Committee Chairman FJ Hale. Use at Own Risk means what it says, the sign currently near the cement pad remaining from one of the two hangars originally sited along Meriwether Drive. General aviation aircraft are not built to weather the elements. **Aviation** requests that the Board bring all lot-owner questions to FJ. Directly beyond the old apple orchard, screened by the wood line and not visible from the intersection of Merifield and Meriwether Drives, it is proposed, would be constructed, one at a time, a maximum of four units, all uniform in appearance and built of synthetic materials. The first unit proposal will be made at the December 8, 2009, Board meeting. In coordination with the Architectural Committee, the final proposal will be presented to the Board.

Common Areas and Facilities with the assistance of the Maintenance Contractor has this year removed from MALA common property many trees dead due to pine bark beetles, a continuing problem. Acquisition of an easement to the left of the main entrance upon entering progresses;

the additional ten feet will allow a wall and/or column to be erected and the remounting of the Merifield Acres' brass plaque.

Property owners are encouraged to use the tennis court and at Oak Park the stable and picnic tables, playground equipment, and community dock. One key for both the tennis court and Oak Park (refundable \$2.00) can be obtained from Maintenance Contractor Ralph Moore (374-2945).

Because of changing demographics and dwindling attendance, **Community Events** has canceled the 2009 Fall Halloween Party and Hayride. All residents who have helped with the annual MALA Easter and Halloween parties these past six years are sincerely thanked. Future community-wide events will happen, if people step forward.

During 2008-2009, sixteen deer were harvested, **Deer Control** reports. This year's bow-and-arrow hunt began August 1. To date, eight deer have been taken.

Finance reports that MALA reserves are currently held in two forms. The first is a four-month Bank of America CD in the amount of \$48,452.00 (8/23/2009). The second is in Fidelity mutual funds (Contrafund, Puritan, Spartan US Equity Index) totaling \$70,337.00 (8/31/2009) that have recovered from their lows. Because of market behavior, MALA's reserves currently total approximately \$118,779.00, a decrease of about \$20,000 from this time last year. The Fidelity mutual funds may be anticipated to continue to recover. As the cost of maintaining and upgrading Merifield Acres' 12.5 miles of roads increases, however, in time the reserve sum may be expected to decrease.

The relationship of **Governance** to the Board of Directors is advisory. The work of the Committee has been reported on in its bimonthly reports to the Board, in the October and March Merifield Acres Newsletters, and in the bimonthly Board minutes emailed to Board members and posted on the MALA Website. Hard copies of working documents have been hand delivered to Board members', the Architectural Committee Chair's, and others' homes for review.

Together with the President and the Treasurer, two Committee members participated in the Orientation Seminar held October 22, 2008, for new Board members and other interested lot owners. Merifield Acres is composed of ten successive developments, all of which have covenants, basically three sets—the earliest deed-form covenants, Fielding and Holly Park, and Merifield Acres, Inc. The earlier and smaller units have no mandated annual assessment; Merifield Acres, Inc., the last and by far the largest development, has a mandated annual assessment.

Working from drafts provided by the President and appropriate others, the Committee followed through on MALA Dangerous Tree Rules and Regulations with First and Second Letters of Notification to Merifield Acres, Inc., lot owners and a Letter of Notification to Non-Merifield Acres, Inc., lot owners and on MALA Runway Safety Rules and Regulations. Both proposed documents were published on the MALA Website and appended to Merifield Acres Newsletters for lot owners' information and comment before being finalized by the Board.

The Committee has prepared, with input from the Architectural Committee, a draft Architectural Committee and MALA Internal Complaint Process that will be distributed to the Board for review before the December 2009 Board meeting, then published on the Website and in the Newsletter for lot owners' information and comment.

The Committee prepared several letters to the Commonwealth of Virginia-mandated Common Interest Community Ombudsman. In response to requests in June of this year for assistance with the proposed realignment of the inclusive Merifield Acres governance, the Ombudsman replied that it is unethical for her to render legal opinion: MALA should seek competent legal advice. Upon comments from a number of residents that legal opinion would be constructive, legal opinion was requested in advance of the August 11 Board meeting from an attorney with a law firm that specializes in common interest community law.

The Committee has expended countless hours researching the record in attempting to find a right fit between Merifield Acres, Inc., and the non-mandatory units and in suggesting revisions to the 2007 MALA Bylaws accordingly. Legal opinion requested prior to August 11 and promptly received August 18 concludes that 1) because in the Merifield Acres, Inc., Covenant 10 the obligation to maintain is only voluntary and not mandatory, MALA does not come under the VPOAA; 2) Merifield Acres has two kinds of paying and voting members, mandatory and voluntary; 3) mandatory lot owners who are under contract to pay an annual assessment are subject to a warrant in debt and a consequent judgment. (For further detail, kindly see above.)

With input from MALA Officers, Architectural Committee members, Board members, candidates for election, the Committee edited the letter of notification to the membership of the 2009 Association Annual Meeting. With a Voting List 2009 (names and number of eligible votes) provided by the Treasurer and Database Assistant Treasurer, the Committee assisted the Secretary in mailing out the letter of notification and validating the returned ballots.

The Committee assists the Secretary in continually updating the MALA Disclosure Packet and in September updating the Board of Directors' Notebooks.

The Governance Committee has exceeded expectations on all the jobs the Committee has undertaken. The Board appreciates the work accomplished by the Governance Committee.

The entire MALA Board of Directors constitutes the **Nominating Committee** that nominates lot owners willing to become candidates for election to the MALA Board. Many residents in both the mandatory as well as the non-mandatory units have already served on the MALA Board, in many cases more than one term. MALA maintains a blanket fidelity bond policy to cover all members of the Board. The day-to-day business of Merifield Acres has a tendency to converge on a few people. Let a Board member or committee chair know of your willingness to lend a most welcome hand.

FEMA has released new flood plain maps, **Political and Environmental** reports. One recently transferred Merifield Acres property requires flood insurance. If a property is in a flood plain, a Letter of Map Amendments (LOMA) is required to change the status of the property. MALA has ordered new flood plain maps.

Because of a mild winter, the 2008 roads budget was banked to be combined with the following year's roads budget. This summer **Roads and Maintenance** paved with asphalt Merifield Drive from the entrance up to and including the intersection with Lakepoint Drive, widening the road and increasing the drop-off area at the entrance, Occoneechee Drive from Merifield to just beyond Hiddenwood Court, Ridge Road and Elm Court, Longmeadow Drive, and Stacey Court.

Competitive bids were received from five paving contractors. Asphalt is more expensive, but should last longer and require less maintenance. The remainder of the main roads will need resurfacing in four to six years, depending on vehicular wear and tear and winter weather damage. Asphaltting these roads will require some significant donations on top of our capped annual assessment income. A detailed explanation will be included with the 2010 annual assessment/ equivalent contribution notice to be mailed in January.

Security reports five burglaries this past year. Police have identified the people involved in at least four of these instances. The entrance lampposts were recently vandalized. Within Merifield Acres, we are reminded, open burning is not permitted, the speed limit is 30 mph, golf carts are not permitted, and dogs are to be kept under control. The restrictive covenants of Merifield Acres, Inc., declare that “pets shall be restricted to the Lots, and will not be allowed to run at large” (4). If the dog is simply friendly but annoying, speak with the owner directly; if the dog appears dangerous, call the Security Chair.

Welcoming greets families to the neighborhood with indoor or outdoor perennials and the Merifield Acres Directory, answers questions, and obtains correct contact information. Ladies happily offer home-baked goodies. Should you have surplus plant pots (and saucers or unwanted dinner and salad plates), please leave them at Martha Day’s garage door. More important, when you become aware of a new resident, kindly let her know, telephone number, too, if possible.

Communication: MALA can be reached at PO Box 70 or mala@kerrlake.com. The **Merifield Acres Directory** publishes in its opening pages all Board members, current officers, committee chairs and members, and responsibilities of each committee. The camera-ready copy of the 2010 Directory is in preparation. For lots with a dwelling, the Directory includes name(s), PO Box if desired, street address, telephone number, Unit and lot number. *Any homeowner aware of an error or omission is asked to bring the necessary correction to the attention of Co-Manager Martha Day (mcday@meckcom.net) immediately.* The 2010 Directory will be mailed to all Merifield Acres homeowners mid December. **MALA Email** provides Merifield Acres lot owners with a means of communicating among ourselves. Neither the MALA Directory nor the MALA Email is intended for commercial use. *If your current email requires updating or you would like your email address added, email the Email Manager at mala@kerrlake.com.* Should any Merifield Acres property owner wish information of interest to the general Merifield Acres community considered for inclusion in the March 2010 **Merifield Acres Newsletter** kindly communicate the item to incoming Newsletter Manager Nola Adler. On the **MALA Website** (www.kerrlake.com/mala) are posted Coming Events, a History of Merifield Acres, the Merifield Acres, Inc., covenants and MALA Bylaws, bimonthly Board Meeting and Association Annual Meeting minutes, contact information for current Board members and officers and Architectural Committee members and chair, and Open Forum that publishes working documents for lot owners’ information and comment.

The next bimonthly meeting of the MALA Board of Directors will be held Tuesday evening, December 8, 2009, in the room to the rear of the Clarksville Public Library at 7:00. (Should there be a

last-minute change, contact President Bill Woodfin for verification of place and time.) ***Scheduled early on the agenda is an Open Forum during which time your Board-member neighbors hope to hear in what ways property owners and residents in Merifield Acres would wish our community improved.***

The President's Column

A new President makes people wonder in which direction we are heading. In a few sentences, I will try to give you that direction.

Do I plan on making a large-scale change in MALA? That answer is NO.

Do I plan on changing the direction of MALA? That answer is YES.

It is my understanding that Merifield Acres has been involved in litigation four different times, and has lost in each of these. It is my personal belief if we continued in the direction we were headed, we were heading for number five.

During the past three years, we have succeeded in driving a wedge between the different groups of MALA. I would like to remove that wedge.

I would like to make changes to bring the different groups back to a common goal.

Don't get me wrong, I do not believe anyone should get a free ride, but I also don't believe we need to shun anyone because they live next door or in the same MALA unit to a freeloader. I feel every lot owner should pay their fair share as long as the money is being spent in a responsible way, going toward improving our roads.

I was disturbed at a remark about one of our neighbors concerning who paid and how much was paid for their assessment. I don't believe this should be common knowledge to any Tom, Dick, or Harry. There are reasons people need some of this information, but they should be given only what they need. At its October 13, 2009, meeting the Board passed a motion that with some exceptions anyone requesting personal information shall have to take the request in front of the Board for consideration.

There are a couple of groups that are working to get the volunteer units' percentage paid to increase. Let's give them the support they need.

Bill Woodfin