

Oak Haven

Beal Properties Inc.

3363 University Dr East Suite 215

Bryan Texas 77802

(979)764-2500 www.bealbcs.com

BOARD MEMBERS MEETING AGENDA **MARCH 23, 2023 @ 6PM**

1. Call Meeting to Order
2. Reading / Approval Meeting Minutes
3. Financial Report – 1st Quarter
 - a. Cash Flow
 - b. Expenses
 - c. Delinquency Report
 - d. Reserve Account
4. Old Business
 - a. Foundations / Sidewalks
 1. 2837 – Ed Williams to address the Board
 2. 2830 – Sidewalk Repair & Drainage Request
 - b. Gutter Clean Out
 - c. Dead Tree along Barak
 - d. Foundations / Sidewalks
 - e. Insurance
5. New Business
6. Next Meeting July 29th 2023 @ 6:00 pm
7. Adjourn

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Cash Flow

Beal Properties

Properties: Oakhaven Community Association - Oakside Dr Bryan, TX 77802

Date Range: 03/01/2023 to 03/23/2023

Accounting Basis: Cash

Additional Cash GL Accounts: None

Level of Detail: Detail View

Include Zero Balance GL Accounts: No

Account Name	Selected Period	% of Selected Period	Fiscal Year To Date	% of Fiscal Year To Date
Operating Income & Expense				
Income				
Late Fees\NSF Rent	0.00	0.00	35.00	0.20
Homeowners Association Dues	5,530.00	100.00	17,545.00	99.80
Total Operating Income	5,530.00	100.00	17,580.00	100.00
Expense				
General Maintenance	0.00	0.00	1,133.00	6.44
Insurance	8,888.75	160.74	8,888.75	50.56
Transfer to Reserves	1,589.00	28.73	4,767.00	27.12
Lawn/Property Maintenance	575.00	10.40	1,720.00	9.78
Management Fee	372.00	6.73	1,116.00	6.35
Mortgage/Note Payment	1,947.23	35.21	5,841.69	33.23
Pest Control	97.43	1.76	292.29	1.66
Total Operating Expense	13,469.41	243.57	23,758.73	135.15
NOI - Net Operating Income	-7,939.41	-143.57	-6,178.73	-35.15
Total Income	5,530.00	100.00	17,580.00	100.00
Total Expense	13,469.41	243.57	23,758.73	135.15
Net Income	-7,939.41	-143.57	-6,178.73	-35.15
Other Items				
Prepayments	-940.00		-715.00	
Net Other Items	-940.00		-715.00	
Cash Flow	-8,879.41		-6,893.73	
Beginning Cash	5,605.52		3,619.84	
Beginning Cash + Cash Flow	-3,273.89		-3,273.89	
Actual Ending Cash	-3,273.89		-3,273.89	

Expense Distribution

Properties: Oakhaven Community Association - Oakside Dr Bryan, TX 77802

Payees: All

Bill Date Range: 01/01/2023 to 03/23/2023

Reference	Bill Date	Property Name	Payee	Amount	Check #	Check Date	Description
6455 - General Maintenance							
2649	01/02/2023	Oakhaven Community Association	Robert Walker	45.00	126997	01/06/2023	Winterize Hose Bib
2612	01/02/2023	Oakhaven Community Association	Robert Walker	45.00	126996	01/06/2023	Installed warning sign concerning bridge beside unit 2849
7815	01/12/2023	Oakhaven Community Association	Ag Town Property Maintenance	668.00	127023	01/12/2023	fencing and gate repairs
14867	02/07/2023	Oakhaven Community Association	T. Fry Make Ready	375.00	127061	02/07/2023	Dig out fence and Replace
				1,133.00			
6470 - Insurance							
4536645	03/16/2023	Oakhaven Community Association	Dexter Insurance	8,888.75	127126	03/16/2023	Down Payment - Insurance
6471 - Transfer to Reserves							
	01/01/2023	Oakhaven Community Association	Oakhaven HOA	1,589.00	126988	01/03/2023	January 2023 - Transfer to Reserves
	02/01/2023	Oakhaven Community Association	Oakhaven HOA	1,589.00	127047	02/03/2023	February 2023 - Transfer to Reserves
	03/01/2023	Oakhaven Community Association	Oakhaven HOA	1,589.00	127090	03/02/2023	March 2023 - Transfer to Reserves
				4,767.00			
6475 - Lawn/Property Maintenance							
4799	01/02/2023	Oakhaven Community Association	Lopez Boyz	570.00	126998	01/06/2023	Monthly Lawn Maintenance
4931	02/07/2023	Oakhaven Community Association	Lopez Boyz	575.00	127060	02/07/2023	Mow. Edge, Weedeat
4974	03/07/2023	Oakhaven Community Association	Lopez Boyz	575.00	127110	03/07/2023	Mow, Wedge, Weedeat
				1,720.00			
6540 - Management Fee							
	01/09/2023	Oakhaven Community Association	Beal Properties	372.00	127002	01/09/2023	Management Fee for 01/2023
	02/01/2023	Oakhaven Community Association	Beal Properties	372.00	127063	02/08/2023	Management Fee for 02/2023
	03/02/2023	Oakhaven Community Association	Beal Properties	372.00	127118	03/09/2023	Management Fee for 03/2023
				1,116.00			

Expense Distribution

Reference	Bill Date	Property Name	Payee	Amount	Check #	Check Date	Description
6560 - Mortgage/Note Payment							
	01/01/2023	Oakhaven Community Association	Prosperity Bank	1,947.23	126984	01/03/2023	January 2023 - loan payment
	02/01/2023	Oakhaven Community Association	Prosperity Bank	1,947.23	127043	02/03/2023	February 2023 - loan payment
	03/01/2023	Oakhaven Community Association	Prosperity Bank	1,947.23	127096	03/02/2023	March 2023 - loan payment
				5,841.69			
6695 - Pest Control							
26472	01/12/2023	Oakhaven Community Association	Joe Loudat DBA/	97.43	127017	01/12/2023	Monthly Exterior Pest Control
26618	02/10/2023	Oakhaven Community Association	Joe Loudat DBA/	97.43	127071	02/13/2023	Monthly Exterior Pest Control
26766	03/07/2023	Oakhaven Community Association	Joe Loudat DBA/	97.43	127116	03/07/2023	Monthly Exterior Service - roaches and ants
				292.29			
Total				23,758.73			

OAKHAVEN COMMUNITY ASSOCIATION

	2022 Budget	2021-2022	2023 Budget 09/22-08/23	
Income:				
HOA DUES:	70680	70259.99	70680	
Late Fees - Misc Income		220		
Prepaid HOA Dues		-1144.99		
Utilities Reimbursement				
Insurance Reimbursement				
Transfer from Reserves		29000		24000
TOTAL INCOME:	70680	98335	70680	
Expenses:				
Insurance	20000	34282.53	24000	
General Maintenance	1000	1098.67	1075	
Legal Fees	500	300	300	
Management Fees	5100	4464	4464	
Lawn Maintenance	8500	8664.26	8700	
Pest Control	1200	1364.01	1300	
Plumbing	500	0	0	
Porter Service	0	0	0	
Utilities	0	0	0	
Renovation Loan Payment	24836.16	25508.58	23366.76	
Transfer to Reserves	7068	12068	7068	31068
Professional/Tax	400	2918.87	400	
Special Projects	0	0	0	
TOTAL EXPENSES:	69104.16	90668.92	70673.76	
Total Difference:	1575.84	7,666.08	6.76	
Oakhaven HOA Operating				
Balance as of 08/31/2022	1450.52			
Reserve Oakhaven HOA				
Balance as of 08/31/2022	36,411.08			
Renovation Loan Balance	9/4/2022 \$202,951.58	1947.23 monthly loan / 31 owners = \$62.81		
		190.00 - 62.81 (loan) = 127.19 (operating)		



BEAL
Properties

3363 University Drive East Suite 215
Bryan, TX 77802
(979)764-2500 www.bealbcshoa.com

March 23, 2023

Oakhaven Management Report

Delinquency Status: As of today, the total balance owed to the HOA is \$875.02. Five accounts currently make up the total balance. Beal will continue to make every effort to collect the past due amounts from the delinquent accounts.

Violation Report: There are no violations to report.

Maintenance Report: As of today, there are outstanding work orders that Beal would like to bring to the attention of the board. However, Beal would like to ask if there are any suggestions on future projects for the complex.



PROSPERITY BANK[®]

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Statement Date

2/22/2023

Account No

****4013

65 1 AV 0.471

OAKHAVEN COMMUNITY ASSOCIATION INC

3363 UNIVERSITY DR E STE 215

BRYAN TX 77802-3470

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STATEMENT SUMMARY

TX Small Business Checking Account No ****4013

01/23/2023	Beginning Balance		\$44,356.08
	1 Deposits/Other Credits	+	\$1,589.00
	0 Checks/Other Debits	-	\$0.00
02/22/2023	Ending Balance	31 Days in Statement Period	\$45,945.08
	Total Enclosures		1

DEPOSITS/OTHER CREDITS

Date	Description	Amount
02/08/2023	Deposit	\$1,589.00

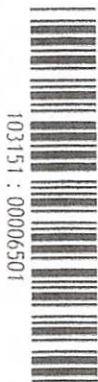
TOTAL OVERDRAFT FEES

	Total For This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Return Item Fees	\$0.00	\$0.00

DAILY ENDING BALANCE

Date	Balance	Date	Balance
01-23	\$44,356.08	02-08	\$45,945.08

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103151 : 00006501

MARCH 2023
\$ 47,534.08

MEMBER FDIC



NYSE Symbol "PB"

Zimbra

toni@bealbcs.com

Oak Haven Townhomes #2830 Sidewalk**From :** Jessica Franklin <jesslyn069@gmail.com>

Wed, Mar 08, 2023 02:56 PM

Subject : Oak Haven Townhomes #2830 Sidewalk**To :** Persia Burgess <persia@bealbcs.com>, Toni Myers
<toni@bealbcs.com>, hoa@bealbcs.com

Persia, Toni & Members of the HOA for Oak Haven Townhomes,

I'd like to get some resolution on the outstanding items from my email, dated September 19, 2022. Prior to sending that email, I read the HOA *Declaration of Covenants, Conditions and Restrictions for Oak Haven Townhomes*, provided to me at the time I purchased my unit and noted that I needed to contact the Architectural Committee to discuss the issues I was having and obtain approval to replace the sidewalk among other things. As I was unsure who to contact, I sent the email to everyone on this email as well.

Item #1 seems to have been resolved with caulking behind the gutter and installing leaf-guards. I'm glad that has been taken care of and I thank you for getting it done.

Items 2-4 still have not been resolved; those included the sidewalk being a tripping hazard, water running back towards my front door, water backing up in the area between the sidewalk and front patio, and wishing to do some landscaping updates. I indicated in that email that I was not asking the HOA to pay for the cost of the sidewalk replacement, that I was willing to pay for it; and still am.

Here's where the issues lies:

I was told that I could replace the sidewalk and do whatever landscaping improvements I wanted, but that the sidewalk would then become my responsibility to maintain. As I mentioned, I read the *Declaration of Covenants, Conditions and Restrictions for Oak Haven Townhomes*, and *Article VII: Exterior Maintenance (Page 17)* states:

"In addition to maintenance upon the Common Area, the Association shall provide exterior maintenance upon each Lot which is subject to assessment hereunder as follows: repair, replace (but not in the event of fire, or other casualty loss normally covered by insurance on the premises) and care of roofs, gutters, and downspouts (if any), exterior building surfaces, fences, trees, shrubs, grass, walks, and other exterior improvements"....

clearly making it the responsibility of the HOA to replace, repair and care for the walk-way/sidewalk. I asked for clarification on this and have been awaiting a response since November and as I understand, from a recent discussion with Persia, the HOA is seeking a legal opinion on this issue. So what's the hold-up?

If the HOA will not allow me to replace and pay for the sidewalk and then the HOA be responsible for maintaining the care of it, then I will also be seeking legal counsel and they can pay for the sidewalk and legal fees. I should also note that not only will I be seeking replacement of the hazardous egress into my home, but I will be asking to file a negligence claim for failure to properly maintain and take appropriate action on the carport roof when the other roofs were replaced and issues were discovered. These were found and pointed out to me during the time my gutter issue was being addressed and have all been pointed out in emails to Persia. Anyone care to provide me with an update/status of what is being planned to mitigate those damages?

I don't want to get ugly, but this is bordering on ridiculous. I would like to resolve this as soon as possible and welcome scheduling a time we can discuss.

Best,
Jessica Franklin
(979)229-0687

Toni,


After reviewing the Governing Documents and doing some research, I've come to the following opinions:

Foundation: Because Oakhaven consists of townhomes, and not condominiums, and because foundations are not expressly included as part of the common areas, the foundations are the responsibility of the homeowner with the unit that sits on the foundation. Most current townhome declarations state that the foundations are part of the common area because if there is a foundation issue, it typically affects more than one owner. However, I found a case out of Houston where a townhome owner sued their neighbor because the neighbor refused to contribute towards repairs of the slab common to both of the parties' townhomes (showing that in some circumstances, like in Oakhaven, the foundation repair responsibility sits with the individual homeowners).

Sidewalks: With regard to the sidewalks, pursuant to Art. VII Exterior Maintenance, the Association is absolutely responsible for the maintenance of the sidewalks. Their duty with regard to the sidewalks is to repair, replace, and maintain them. Sidewalks are also included in the definition of Common Facilities, so it is clear the Association has the responsibility for them.

Please let me know if you or the board have any additional questions.

Best,
Jana


BRUCHEZ & GOSS, P.C.
ATTORNEYS AT LAW

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From: Toni Myers <toni@bealbcs.com>
Sent: Tuesday, March 14, 2023 6:10 PM
To: Jana Beddingfield <JBeddingfield@bruchez.com>
Subject: Oakhaven - Sidewalks and Foundation

Hi Jana,

As we talked about the Declaration for Oakhaven is a little confusing on some areas of responsibility. The Board is requesting that you review their Governing Documents and give your legal opinion, on who is responsible for the foundation and individual sidewalks. I have reviewed every word of the Declaration and am not clear on whose responsibility the foundation is. At first, I thought, based on the information I found, that the individual sidewalks are the responsibility of the individual Owners but I now think I might be wrong. The Board tends to agree with my findings on sidewalks but would like a legal opinion as well.

Under Article I Definitions:

(c) "Common Area" shall mean and refer to all real property owned by the Association for the common use and enjoyment of the owners. The Common Area to be owned by the Association at the time of the conveyance of the first lot, unless otherwise retained as provided herein, is described as follows: