

Ryan's Run Homes Association
Board of Directors Meeting
Meeting Minutes
November 17, 2021

The Ryan's Run Homes Association's Board of Directors (BOD) met at 7:00pm on November 17, 2021. The meeting was implemented via a Zoom meeting, and all seven Directors were present online. The agenda for the meeting is attached for information purposes.

Prior to the meeting, Monty Nigus distributed an activity log of actions performed by the Board that have occurred since the first of the year. This log is attached so that the membership can see some of the detailed activities by the Board since the last Board meeting.

1. The first order of business was to review and approve the Meeting Minutes for the Board of Directors Meeting held on September 9, 2021. No updates to the minutes were noted. Thus, the Board unanimously approved the minutes as is.
2. The next order of business was the Treasury report. Myra Schraeder reported that the Association's current balance is \$536.75 and that no transactions have occurred since the last Treasurer's report.
3. The third order of business was to review the status of the three committees. Committee reports were as follows:
 - Restrictions Committee:
 - ✓ No committee activities were noted. Steve Grier advised that the committee is waiting on a thorough attorney review of the Declarations of Restrictions document and review of Ryan's Run annexation by the City of Overland Park to see if any updates are necessary relative to restrictions for the Association.
 - Architectural Committee:
 - ✓ No committee activities were noted.
 - Public Relations Committee:
 - ✓ Newsletter – An initial draft of the Newsletter was reviewed and discussed by the Board. Board input included some of the following major topics.
 - Annual Christmas Gathering final logistics and details.
 - A spirit of giving project for this Christmas season focused on the Victory Soccer Camp, a non-profit organization operated by our neighbors, Goran and Gina Hunjak.
 - Notification and details of upcoming Ryan's Run Homes Association Annual Meeting.
 - Annual Neighborhood Garage Sale planning. (Brian Kramer volunteered his wife, Darcie, to be the chairperson for this event.)
 - Treasurer and Committee reports.

- It was noted that the Newsletter should be finalized, emailed to the membership, and posted to the Association's website by early next week.
 - ✓ Annual Christmas Gathering – Since the Annual Christmas Gathering is quickly approaching, the Board discussed the fine details of planning the gathering. These fine details included some of the following.
 - Date: December 4th, Time: 6 – 9pm
 - Location: Tanners, near 143rd and Metcalf
 - Association to provide appetizers and Christmas cookies.
 - Each family will be responsible for their additional food and drinks from Tanners.
 - Request RSVP so that Association can plan for amount of appetizers/Christmas cookies. RSVP responses to go to Michelle Saporito.
 - Have gathering details posted to the Association's website.
 - Note that a “donations bucket” will be provided at the gathering for the Victory Soccer Camp.
4. The next order of business was the legal assistance review of the Association's By-laws and Restrictions.
- The Board reviewed and discussed each of the items provided in the Legal Assistance Subcommittee's Action Summary Plan dated September 13, 2021. A copy of this plan is attached for easy reference. The Action Summary Plan concluded the subcommittee's review of the attorney's initial observations and recommendations of the Ryan's Run legal documents dated July 27, 2021. The Board provided some comments to the plan, but basically agreed with the subcommittee's conclusions. It was also noted that, in accordance with the attorney's comments, a copy of the Kansas Uniform Common Interest Owners Bill of Rights Act was obtained and posted to the Association's website for reference purposes. This document will be reviewed to see if the Association documents comply with this Bill of Rights Act.

Monty Nigus volunteered to draft a letter to the attorney as a response to his initial observations and recommendations. The letter would outline action items for the attorney, as we work towards finalizing the legal assistance review of our legal documents, and would request a proposal (cost and schedule) for completing this scope of work. This draft letter would be provided to the Board for comment prior to sending to the attorney.

- One aspect of the attorney's initial review and recommendations was that there is no record of the vote for approving the Amendments to By-laws dated February 18, 1999. The March 1999 Ryan's Run Newsletter only stated that the By-laws were amended, but there was no mention of a quorum of the membership being present or the results of the actual vote by the membership. Because of this, the enforceability of the amendments could be questioned. The attorney advised this can be easily

rectified by performing a re-vote, either by the membership, or the Board, which can also amend By-laws.

Monty Nigus stated a motion for the Board to vote on the approval of the Amendments to By-laws dated February 18, 1999. A brief discussion by the Board then transpired about the amendments, after which, Myra Schraeder seconded the motion. The resulting vote by the Board was 7-0 in favor of the Amendments to By-laws dated February 18, 1999. The motion passed.

- Assessments and/or annual dues for the Ryan's Run Homes Association have been a topic of discussion at past Board Meetings. The Board again had a general discussion about establishing assessments and/or annual dues for the Association. Part of this general discussion included a review of a draft amendment to the Ryan's Run Homes Association Declaration that was developed back in 2004, but was not implemented due to lack of approval by the membership. With future legal expenses forthcoming, as well as other reoccurring annual expenses, such as the annual Summer Social Gathering and Christmas Party, etc., monies need to be added to the operating fund. Of course, the issue is how to raise funds and how much. As noted in previous Board Meetings, it was again noted that, because of the Association's status, that \$5,000 is the maximum amount that can be carried over from year to year.

Discussions about assessments and/or annual dues focused on building the Association's operating fund by having either a "Special Assessment" or a "Voluntary Assessment" in 2022. By doing this, the Association would have a sufficient operating fund available, while a formal assessment or annual dues process could be established. With the Annual Membership Meeting coming up in January 2022, the Board could also obtain membership input to help resolve this matter. The Board decided to present these ideas to the membership at the Annual Meeting, along with itemized Association's potential annual costs for their information. Of course, this will be a major agenda item for the Annual Membership Meeting.

5. The fifth order of business was to plan for the upcoming Annual Membership Meeting. The Board decided that the meeting would be held at 6:00pm on Sunday, January 9, 2022. The meeting will be conducted via zoom. Monty Nigus will draft an agenda for the Board's review. Per Article 10.2 of the Association By-laws, the agenda for a membership regular meeting should be delivered to the membership at least five (5) days before the meeting. It was noted that the agenda should include an item for a Neighborhood Garage Sale in the Spring to get membership input and an item concerning/defining term limits for the Board of Directors, since the terms of all the Directors started at the same time. Per Article 5.1 of the Association By-laws, the terms of the Board of Directors should be staggered.
6. The last order of business was to establish the date and time of upcoming Board Meetings. It was decided that we should have a Board Meeting prior to the Annual

Membership Meeting at 7:00pm on January 5, 2022, to review and finalize the agenda and implementation of the Annual Membership Meeting on January 9th. Per Article 6.1 of the By-laws, the annual meeting of the Board of Directors shall be held following the Annual Membership Meeting. The Board decided to hold this meeting at 7:00pm on January 12, 2022. These two meetings will be conducted via zoom.

The meeting adjourned approximately at 9:00pm.

Attachments:

- Agenda
- Ryan's Run Homes Association Activity Log
- Legal Assistance Subcommittee Meeting Memo

Prepared: Jim Wirt, Secretary/Monty Nigus, President

Ryan's Run Homes Association
Board of Directors Meeting
November 17, 2021
7:00 pm
Via Zoom

AGENDA

1. Approval of Board of Directors Meeting Minutes – 210909
2. Treasury Report
 - a. Current Balance/Transactions
3. Committees
 - a. Restrictions
 - i. Any Updates
 - b. Architectural
 - i. Any Updates
 - c. Public Relations
 - i. Newsletter Inputs
 - ii. Annual Christmas Party Details (Post Details to Website)
4. By-Laws/Restrictions
 - a. Review/Discuss Legal Review Subcommittee's Action Plan Summary. (Goal is to finalize Task 2 action items for preparation of a scope of work letter to solicit Attorney's proposal to perform the work.)
 - b. Re-vote on Amendments to By-laws dated February 18, 1999
 - c. Review/Discuss Draft Amendment to the Ryan's Run Homes Association Declaration for Levying and Collecting Assessments. (Goal is to finalize draft amendment for membership input and Attorney's review as part of Task 2 activities.)
5. Annual Meeting (Post Details to Website)
 - a. Schedule Meeting
 - b. Draft Agenda
 - c. Type of Meeting (Zoom/In-Person)?
6. Schedule next Board Meeting.

Zoom Information

Topic: HOA Bd Meeting

Time: Nov 17, 2021, 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://clcop.zoom.us/j/82606069091?pwd=OU94SG9lWWRzSTVhcWJlc1FTVWFZZz09>

Meeting ID: 826 0606 9091

Passcode: 290227

Ryan's Run Homes Association Activity Log

January 2021:

- 210103: Held 2021 Annual Meeting via zoom meeting.
- 210105: Prepared and distributed Annual Meeting minutes.
- 210105 – 210107: Coordinated “pre-blast surveys” with homeowners, Morgan Construction Services, Inc., and City of Overland Park Fire Marshall, including the inclusion of interior “pre-blast surveys”.
- 210107: Held First Board of Directors Meeting via zoom meeting.
- 210107: Jim Wirt/Kim Popp initiated development of website and logo.
- 210107: Peter Dietrich provided the name of a lawyer/law firm who might be interested in representing Ryan's Run.
- 210107 – 210112: Prepared for City of Overland Park Board of Zoning and Appeals public hearing scheduled for January 12th for Kangas variance by developing a slide presentation.
- 210109: Distributed Ryan's Run Homes Association documentation to membership.
- 210109: Distributed copy of earlier version of assessment amendment to Directors for use in developing options for possible assessments for the Association.
- 210110: Mya initiated development of Nextdoor with the membership.
- 210112: Prepared and distributed BOD Meeting minutes.
- 210112: City of Overland Park advised that Kangas withdrew his variance application.
- 210114: Received estimated blasting schedule from the blasting contractor The Pexco Company, LLC and distributed to homeowners.
- 210116: Myra completed the transfer of Treasurer information from Tom Cason to her and the signatory on account at the bank. Myra is now our new Treasurer for the Ryan's Run Homes Association.
- 210120: Sent informational email to membership concerning the US 69 Expansion Project.
- 210120: Watched/Listened to the last 45 minutes of the US 69 Expansion Project live virtual meeting.
- 210123: Sent email to Jesse Kangas about offering to meet with him about helping him plan his detached structure.
- 210125: Sent text to Jesse Kangas about offering to meet with him about helping him plan his detached structure.
- 210126: Spoke with Chris Kurtz about legal services for the RRHA. He advised this would be fine, and that he would mainly get involved in enforcing by-laws and restrictions. I advised I would get back to him after discussing with the board.
- 210129: Spoke with Stan Woodward about legal services for the RRHA. He advised this would be fine, and that he would mainly get involved in developing and

amending by-laws, restrictions, etc. I advised I would get back to him after discussing with the board.

- 210129: Called Jess Kangas about offering to meet with him about helping him plan his detached structure. Got no answer, so left a message for him to call me back. Jesse called me back and said he was not interested in meeting with us. He did not mention anything about status of a building.
- 210129: Sent email to Danielle at the City about notification of an HOA during the building permit issuance process. She advised that the City advises folks to check with their HOA, but the City does not hold up a building permit without knowledge of the HOA review.
- 210120: Coordinated information before and after the **first** blast at the Wilshire Hills development. The blast registered 0.239"/sec which is less than the 1.0"/sec limit.

February 2021:

- 210201: Coordinated questions and answers with the City of Overland Park Fire Marshal and the blasting Contractor concerning the impact of the blast that occurred on January 29th.
- 210201: Coordinated information before and after the **second** blast at the Wilshire Hills development. The blast registered 0.312"/sec which is less than the 1.0"/sec limit.
- 210203: Advised neighborhood that the sound heard and felt around 8:45am was not a blast from the Wilshire Hills development. The City of Overland Park Fire Marshal called me and advised that they are looking into what caused that event. To date, it has not been determined. Most believe it was a sonic boom.
- 210203: Coordinated information before and after the **third** blast at the Wilshire Hills development. The blast registered 0.318"/sec which is less than the 1.0"/sec limit.
- 210205: Coordinated information before and after the **fourth** blast at the Wilshire Hills development. The blast registered 0.219"/sec which is less than the 1.0"/sec limit.
- 210210: Advised City again of my contact information representing the Ryan's Run Homes Association for their record.
- 210216: Emailed Michelle Saporito about serving on the Public Relations Committee. She accepted.

Above Activities Included with 210217 Board Meeting Minutes

- 210217: Held second Board Meeting of the year via zoom. All but one board member was present.
- 210218: Mike O'Neal advised that Joe and Karen Hilboldt volunteered to serve on the Public Relations Committee. This committee is now complete and will meet in April to start planning for the newsletter and annual mid-year neighborhood get-to-together.
- 210220: Jim Wirt and I prepared and distributed the 210217 Board Meeting Minutes.

- 210223: Contacted Chris Kurtz about providing legal services to our Association relative to review and enforcement of our Bylaws and Restrictions. Chris responded back on 210225 that there was a conflict of interest and that he could not provide such services. Chris did provide three, recommended attorneys for our consideration. I advised the Board of this situation, recommending that we proceed with screening the three attorneys. By 210227, all Board members agreed to proceed in this manner.
- 210224: Coordinated information before and after the **fifth** blast at the Wilshire Hills development. The blast registered 0.189"/sec which is less than the 1.0"/sec limit.
- 210226: Coordinated information before and after the **sixth** blast at the Wilshire Hills development. The blast registered 0.245"/sec which is less than the 1.0"/sec limit.
- 210227: Notified the Public Relations Committee that Irene Page had a mini-stroke and is in the hospital. The PR Committee initiated follow-up activities to neighborhood support as deemed appropriate.
- 210301: Contacted Lyle Pishny via email about the list of recommended attorneys provided by Chris Kurtz. He advised via telephone that he suggests contacting them in reverse order (Hoffman, McFarland, Ridgway). I will proceed in that manner.
- 210302: Coordinated information before and after the **seventh** blast at the Wilshire Hills development. The blast registered 0.189"/sec which is less than the 1.0"/sec limit.
- 210302: Made initial contact with Rod Hoffman concerning providing legal services for the Association. Will follow-up with the Board as to whether to pursue his services.
- 210304: Coordinated information before and after the **eighth** blast at the Wilshire Hills development. The blast registered 0.169"/sec which is less than the 1.0"/sec limit.
- 210308: Coordinated information before and after the **ninth** blast at the Wilshire Hills development. The blast registered 0.151"/sec which is less than the 1.0"/sec limit.
- 210323: Made initial contact with Mark McFarland concerning providing legal services for the Association. Will follow-up with the Board as to whether to pursue his services. Mark's direct line is 913-549-1105 and email is mmcfarland@hinklaw.com.
- 210323: Contacted Josh Woolard about serving on either the Architectural Committee or the Restrictions Committee. Josh advised that he would be willing to serve on the Architectural Committee. Josh, along with Brian Kramer and John Baker, now completes this committee.

Above Activities Included with 210325 Board Meeting Minutes

- 210325: Held third Board Meeting of the year via zoom. All but one board member was present.
- 210327: Myra Schraeder reached out to the membership via NextDoor to solicit comments and input for the new Association website.
- 210328: Jim Wirt and I prepared and distributed the 210325 Board Meeting Minutes.

- 210407: Contacted Pexco, the blasting company for the Wilshire Hills Development. They advised that the blasting work is now complete. Notified the membership of this activity completion.
- 210414: Emailed Jeff Ashner of Wilshire Hills Development to confirm that no more blasting will be required on the project, including the second plat. Jeff called me on April 22nd in response to confirm that is the case. Any rock removal, if required, moving forward will be accomplished with a rock hammer, not blasting. If for some reason blasting is required, he will let us know.
- 210423: Drafted legal assistance letter and distributed it to the Board for review and comment.
- 210501: Public Relations Committee held a meeting to discuss/formalize details for the annual social event and newsletter publication. A memo was produced summarizing the meeting results, which was provided to the Board for their review and input.
- 210504: Called Attorney Mark McFarland about the possibility of providing legal assistance to the Association. He was okay with that. Hand-delivered our legal assistance letter to Mark. He will review, call if he has questions, and provide estimated costs/schedule per the information requested in our letter.
- 210504: Reached out to Ron Millard about serving on the Restrictions Committee. He graciously accepted the role. We still have one position on the Restrictions Committee to fill. Once this is done, we will have all Board and Committee positions filled.

Above Activities Included with 210505 Board Meeting Minutes

- 210505: Held fourth Board Meeting of the year via zoom. All Board members were present.
- 210510: Advised membership that the Santa Maria's are getting some driveway (concrete) work done and that there will be some truck/equipment traffic through their gate leading to their property at the end of 170th. This activity is not related to the Wilshire Hills Development. Wilshire Hills continues to upon their agreement of not using this entrance until they start the second phase of their development.
- 210512: Received an email from Mark McFarland which provided his proposal to perform Task 1 of our proposal request letter. He would need 2 man-hours and \$700 to complete Task 1.
- 210513: Received letter from City of Overland Park concerning a public information meeting about the expansion of 167th Street between Switzer and Antioch Roads. Presumably, all homeowners got this letter and are already notified of the meeting if they wish to attend.
- 210517: Jim Wirt and I prepared and distributed the 210505 Board Meeting Minutes.
- 210521: Public Relations Committee prepared and published the May 2021 newsletter. Electronic and hard-copy versions of the newsletter were distributed.

- 210521: Formally launched the Ryan's Run website to the membership. Jim/Kim Wirt and Myra Schraeder were the leaders in this effort.
- 210523: Myra Schraeder advised that her husband, Tom, is willing to serve on the Restrictions Committee. Steve Grier, chairman of the committee, will reach out to him and welcome him to the committee. Tom's filling this position now completes all positions for the Board and Committees.
- 210603: Wendy Krause, Mike O'Neal, and I discussed the possibility of the Kona Ice truck participating in the Annual So Gathering. This idea was brought up at the last Board Meeting, and Wendy was asked to obtain information/costs about their service. Wendy obtained this information, and the three of us decided that we should decline their service for this initial Gathering based on cost and not knowing what the attendance (turnout) might be. It was further noted that after this initial Gathering that we would have a better idea on how to plan future Gatherings such that these types of services could be provided.
- 210603: Sent out an email to the membership reminding them to RSVP for the Annual Summer Gathering.
- 210604: Sent an invite to the Pishny's for the Annual Summer Gathering.
- 210604: Advised our attorney via email, Mark McFarland, that we should be able to give him a notice-to-proceed for Task 1 within the next couple of weeks.
- 210610: Myra Schraeder developed simple deposit and expense forms for the Association. These forms will be added to the website by Kim/Jim Wirt for everyone's use in the future.
- 210613: Held the 2021 Annual Summer Gathering at the Joe/Karen Hilboldt's home. A good time was had by all.
- 210622: Sent an email to Jeff Ashner of the Wilshire Hills Development construction project advising that there are three dead trees along our shared property line that may impact a couple of Ryan's Run homeowner's property. Also, advised that airborne dirt and sawdust from the debris grinding process from their land clearing process is collecting in a Ryan's Run homeowner's swimming pool.
- 210624: Left voice mail with Mark McFarland, our attorney for the Task 1 review concerning how he was going to treat the review of our existing restrictions. It would be good to get his initial feedback on this from the review where the Johnson County regulations govern our area. The attorney has not returned my call.

Above Activities Included with 210624 Board Meeting Status Report Memo

- 210624: Held fifth Board Meeting of the year via zoom. Only two Board members were present, which was not a quorum, and official Board business could not be performed. Since the meeting was going to be mainly informational with no input or decisions by the Board, it was decided just to publish a Status Report documenting some of the informational items.

- 210630: Wendy Krause advised that Tim and she will be hosting a Meet and Greet party for Dr. Faris Farassati, who is running for Overland Park Mayor, on July 18th at their home from 6:30-8:30 pm. The purpose of the party will be to hear Faris' platform and ask questions. Jeff Cox, who is running for Overland Park City Council - Ward 6 (that is our Ward), will also be there to provide his perspective on City matters and be available for questions. This will be a great opportunity for fellowship, attaining information, and thanking Faris for his encouragement to our neighborhood. Wendy sent an email invite out to the membership and other Ryan's Run friends about this Meet and Greet party.
- 210705-210710: Received emails, text messages, and phone calls from a Ryan's Run resident, who advised that significant fireworks on the evening of July 4th were shot off near and over his property from an adjacent homeowner's property. Noise pollution was also an issue with blaring music from large outdoor speakers. The resident provided a photo of some of the firework's debris that was collected from his roof, deck, and yard areas. The resident was terribly upset about the impact to his property and noted that the neighbor's celebration exceeded normal expectations for a July 4th celebration. The impacted resident asked if fireworks were legal in Ryan's Run or the City. Monty Nigus advised that he did not believe the restrictions mention fireworks, but the City and County both band fireworks. Monty provided the resident with links to each entity's website, where the fireworks issue is defined. The resident advised that, if this happens again to this magnitude, he will be calling the Overland Park police.

Discussed this event with the Board of Directors to see if we should issue a note to the membership advising them to keep their adjacent neighbors in mind when planning celebrations on their property and that communications with adjacent neighbors is always good to assure no misunderstandings when it comes to avoiding any celebration impacts. The feedback from the Board was somewhat variable on this matter; thus, it was decided not to issue a note to the membership. This will be a topic of further discussion at future Board Meetings to determine if any follow-up action is necessary.

- 210712: Monty Nigus prepared and distributed a Status Report for the 210624 Board Meeting.
- 210712: Wendy Krause advised that Jim and Mary Grant have moved to the Waldo area and that they wish to have names and contact information removed from the Ryan's Run distribution list.
- 210725: Prepared and issued a Notice-to-Proceed letter to Mark McFarland for the implementation of Task 1 for the review of and recommendations for revising/updating the Ryan's Run Homes Association legal documents.
- 210727: Received Mark McFarland's initial review comments per Task 1 of our proposal request letter concerning the Ryan's Run Homes Association legal documents. Distributed the comments to the Board members for their use in preparing for the next Board Meeting to be held on September 9th, where these comments will be discussed.

- 210815: Prepared a summary of our attorney's initial review comments per Task 1 and distributed to the Board Members for their use in upcoming Board Meeting on September 9th.
- 210823: Through various emails, obtained the Board's approval to pay our attorney for his Task 1 initial review work. The Board voted 7-0 in favor of payment.
- 210825: Transmitted our attorney's payment via regular mail.

Above Activities Included with 210909 Board Meeting Minutes

- 210909: Held sixth Board Meeting of the year via zoom. All Board members, but one, were present.
- 210913: Legal Assistance Subcommittee met to review attorney's (Mark McFarland's) observations and recommendations and provide an action plan for the Board of Directors concerning the current Association legal documents.
- 211021: Public Relations Committee met to discuss/plan the next Association Newsletter, Christmas Party, and other items pertaining to the committee's responsibilities.
- 211027: Jim Wirt and I prepared and distributed the 210909 Board Meeting Minutes.
- 211103: I introduced myself to Ryan Craig. The Craigs (Ryan and Sarah) have purchased the Jim and Mary Grant's home. Forwarded via email the Association's website address, so that the Craigs can view/download the Association's legal documents for their info and files.
- 211103: Downloaded a copy of the Kansas Uniform Common Interest Owners Bill of Rights Act and posted it to the Association's website for reference purposes.
- 211105: Prepared a draft of an amendment to the Ryan's Run Homes Association Declaration dealing with levying and collecting assessments and distributed it to the Board of Directors for discussion purposes and approval for submitting to the membership for input. (This draft is the amendment produced several years which failed to be incorporated into the legal documents.)
- 211105: Legal Assistance Subcommittee prepared an action plan summary and distributed it to the Board of Directors for discussion purposes and approval at the next Board Meeting for solicitation of attorney's proposal to perform Task 2 work activities.
- 211111: Provided initial input to the bi-annual Association Newsletter. The Newsletter will be finalized after input from the Board of Directors Meeting scheduled for 111721.
- 211113: Prepared an agenda for the next Board of Directors Meeting and distributed to the Board members.

Ryan's Run Board of Directors
Legal Assistance Subcommittee
Meeting Memo

Subcommittee Members (Appointed by the Board of Directors):

Monty Nigus
Myra Schraeder
Steve Grier

Date/Time: September 13, 2021/3:00pm

Location: Monty Nigus's Home

Purpose: Review attorney's observations and recommendations of the Ryan's Run legal documents, dated July 27, 2021, and provide an action plan for the Board of Directors consideration at the upcoming November 17, 2021, Board Meeting.

Legal Assistance Subcommittee Action Plan Summary:

1. Amendments to By-Laws – Dated February 18, 1999

The Amendments to By-Laws – Dated February 18, 1999, were presented by the Board of Directors at the annual meeting on February 21, 1999, and voted on and accepted by the membership at that meeting. However, there is no available record (i.e., meeting minutes) of the meeting that states a quorum was present and what the tally of the cast votes were (i.e., for or against). Because of no record, these Amendments to the By-Laws may be invalid and not enforceable.

Action: Perform a revote for the Amendments to the By-Laws – Dated February 18, 1999, and properly record and document the results. The revote could be by 2/3 vote of the membership at which a quorum is present, or by ¾ vote of the Board of Directors per Article XV of the By-Laws of Ryan's Run Homes Association. It is recommended that the Board review this matter at the upcoming Board of Directors Meeting dated November 17, 2021, and perform a vote of the Board Directors to either approve or disapprove the Amendments to the By-Laws – Dated February 18, 1999.

2. Declaration of Restrictions

The Declaration of Restrictions does not have acknowledgments or notarized signatures, which may be an argument as to their validity and enforceability. Also, the document appears to be an attachment (i.e., Exhibit A) to another document, which is not defined.

Action: Have attorney perform a review of the actual filing at the Register of Deeds Office (i.e., Johnson County Director of Records and Taxation) to determine if we have the entire document that was filed and provide a legal opinion of the validity and

enforceability of the Declaration of Restrictions. **This action would be part of Task 2 activities.***

Action: If the Declaration of Restrictions is confirmed to be valid and enforceable, have the attorney perform a detailed review of the restrictions to advise if there is enough detail to define and address situations that may arise in Ryan's Run. Also, there does not appear to be a procedure for revising the Declaration of Restrictions. Have the attorney provide such a legal procedure. **These actions would be part of Task 2 activities.***

A specific reference to the Exhibit A – Declaration of Restrictions document does not appear in the Association's legal documents, or is it understood that the Exhibit A - Declaration of Restrictions is tied to and automatically follows the real estate as it was eventually transferred to the Ryan's Run Homes Association? Restrictions imposed on the Lots are mentioned in a couple of places in the legal documents, but a specific reference is not provided to advise the reader of the specific document.

Action: Have attorney address the question whether a specific reference to the Exhibit A – Declarations of Restrictions should be included somewhere in the legal documents. If a specific reference should be provided, have the attorney provide the location within the Association's legal documents and the appropriate language for the specific reference. **These actions would be part of Task 2 activities.***

The "First Amendment to Declaration of Restriction and Relinquishment of Developer's Rights and Duties under Declaration of Restrictions" notes that the original developer allegedly assigned all its rights as developer to Marcon Country Homes, Inc., but we do not have a copy or record of that assignment as having been recorded. If there is no valid assignment available, then the Declarations of Restrictions may not be valid or enforceable.

Action: Have attorney perform a review of the actual filing at the Register of Deeds Office (i.e., Johnson County Director of Records and Taxation) to determine if there is a valid assignment document of all rights to Marcon Country Homes, Inc. and provide a legal opinion of the validity and enforceability of the Declaration of Restrictions. **This action would be part of Task 2 activities.***

3. Ryan's Run Homes Association Declaration

There is no proper definition of "property owner", a term used in the Declaration of Restrictions for the formation of a homes' association.

Action: Provide a "property owner" definition in the Declaration of Restrictions, which would tie it to the word "lot", and/or a "property owner" definition/declaration in the Ryan's Run Homes Association Declaration Article I(a). Have attorney provide the appropriate legal language for incorporating such a definition. **This action would be part of Task 2 activities.*** The Declaration of Restrictions could be amended by the legal procedure recommended by our attorney as part of the Task 2 action items for Item 2,

above. If the Ryan's Run Homes Association Declaration is to be amended, then the amendment document would need lot owner signatures per Article V of the Ryan's Run Homes Association Declaration. Since the Declaration of Restrictions will most likely be revised upon the attorney's and the Restrictions Committee's forthcoming review of the Declaration of Restrictions, it is recommended that the Declaration of Restrictions be revised at that time to include a "property owner" definition that would tie it to the definition of the word "lot" as defined per Ryan's Run Homes Association Declaration Article I(a), or substitute "property owner" with "lot" owner.

The Ryan's Run Homes Association Declaration has several notarial acknowledgments that contain errors. The incorrect signatures may not be valid. Of the acknowledgments, only twenty (20) signatures are complete and valid. Twenty-two (22) signatures are necessary for document approval (i.e., a simple majority of the forty-two (42) Lot owners). It should be noted, however, that four (4) of the invalid signatures do match the prescribed signature (not complete signature) indicated by the notary under the signature line. If these are valid because they were the intended signature by the notary, then a simple majority is obtained. It is recommended that we have the attorney advise if such signatures are legal before we get into redoing all notarized signatures.

Action: Have attorney provide legal advice concerning the validity of the signatures. **This action would be part of Task 2 activities.*** If the simple majority is not met, correct the notarial acknowledgments that contain errors and update lot owner names for signature that correlate with current lot ownership. Obtain lot owner notarized signatures.

4. City of Overland Park, Kansas Code of Ordinances and/or the Johnson County Kansas Code of Regulations

The City ordinances and/or the County regulations should not have an impact on the Ryan's Run Declaration of Restrictions. However, their ordinances and regulations may underlie the Declaration of Restrictions document.

Action: Have attorney ascertain whether Ryan's Run is subject to the City or County ordinances by reviewing the annexation documents and provide a legal opinion on their applicability to Ryan's Run. **This action would be part of Task 2 activities.***

5. Method of Providing Funds to the Association

Currently, there does not appear to be a method of providing funds for the Association to fulfill its duties and obligations under the Declaration of Restrictions.

Action: Develop a plan to assess and collect fees from the lot owners. Prepare an amendment to the Ryan's Run Homes Association Declaration for membership discussion/input at the upcoming Annual Meeting in January 2022. Have attorney review

and comment on the language of the amendment based on input from the membership.
This action would be part of Task 3 activities.*

6. Kansas Uniform Common Interest Owners Bill of Rights Act

The Association is subject to and must comply with the Kansas Uniform Common Interest Owners Bill of Rights Act enacted and became effective July 1, 2010. A copy of this act has been obtained and posted to the Association's website under legal documents.

Action: Review the Kansas Uniform Common Interest Owners Bill of Rights Act and ascertain if there are any compliance items for the Association to consider in their legal documents. Obtain legal assistance, if warranted by the Board.

*Proposed action item for attorney as part of Tasks 2 and 3 scopes of work.