

Lagoon Point Newsletter

January 2012

From the President Janet Bondelid lpca99@whidbey.com

Hello to all Lagoon Point residents,

We had a nice group of homeowners at our December “meeting”. In December we have seasonal cookies, etc and everyone can visit in a social atmosphere. Each year we have a larger group than the last year. It is a fun time and the food is good too.

We did a little business just before the festivities appointing Tim Milligan as our Assistant Treasurer and we are very grateful he volunteered. The Treasurer’s job is the most involved so a second person to help is most appreciated.

Our meetings for next year will be on February 7th, March 6th, April 3rd, May 7th, June 5th, July 10th, August 7th, September 4th, October 2nd, November 6th and December 4th. All meetings start at 6:30pm and we meet at the Greenbank Progressive Club building at Bakken & Firehouse Rd.

Two goals for next year will be some clean up on the bylaws and investigation of management companies. The bylaw changes will be more housekeeping issues; for example, a few of the lots aren’t directly listed in the definition of the 6 areas. The proposed changes to the bylaws will be sent out to the community for a vote.

We have talked with 3 management companies so far to get a general idea of what we might expect for costs in the event we have to hire outside resources after next year because we do not have enough community members volunteer to fill Board positions. The costs vary from \$6.50 per month per homeowner to \$25 per month per homeowner. These costs would have to be added to the LPCA dues. There will always have to be an LPCA Board for a management service to contact. Since we are having a hard time getting volunteers to serve, this current Board is trying to see if having a management company do the day to day things would help encourage more volunteers. The costs quoted above would only be for the most basic of services and wouldn’t include any extra costs like attending meetings, hiring contractors or consultants, travel, accounting issues, etc. We are checking into what those additional costs would be. This will be the last year for many of the Board members so this is getting to be a very important issue.

Thank you for all your support and good comments,
Janet Bondelid

From The Treasurer Bob Morikado LPCAT@whidbey.com

Below you will find the latest financial reports. LPCA expenses for this first half are higher than anticipated because of attorney's fees resulting from our collection suit on seriously delinquent accounts. As we finalize these collections, we will receive repayment by the defendants and this figure will go down. On our Profit and Loss statement for the first half of the year it is interesting to note that, under our income line, we have received some back payments because of our collection efforts. These will continue to climb. The Balance Sheet shows the monies in our reserve accounts. These reserve monies are vital for future repairs and long term maintenance of our community assets.

PROFIT & LOSS STATEMENT

	<u>Jul - Dec 2011</u>
Ordinary Income/Expense	
Income	
40000 · DUES AND ASSESSMENTS	
40005 · Prior Years Dues	
40708AD · 07/08 LPCA ANNUAL DUES	360.00
Total 40005 · Prior Years Dues	360.00
40020 · Prior Years Waterway Admin	
40607WA · 2,3,4 Administrative Fund 06/07	15.00
Total 40020 · Prior Years Waterway Admin	15.00
40025 · Prior Years Waterway Fund	
40708WW · Waterway Fund 07/08	18.00
Total 40025 · Prior Years Waterway Fund	18.00
40809 · 08/09 Dues and Assessments	
40809AD · 08/09 Annual Dues	1,200.00
40809DA · Dredging Assessment 08/09	1,000.00
40809WA · 2,3,4 Administrative Fund 08/09	15.00
40809WW · Waterway Fund 08/09	415.00
Total 40809 · 08/09 Dues and Assessments	2,630.00
40910 · 09/10 Dues and Assessments	
40910WA · 2,3,4 Administrative Fund 09/10	66.98
40910WW · Waterway Fund 09/10	1,853.02
Total 40910 · 09/10 Dues and Assessments	1,920.00
41011 · 10/11 Dues and Assessments	
41011AD · 10/11 Annual Dues	1,891.08
41011DA · Dredging Assessment 10/11	3,863.90
41011WA · 2,3,4 Administrative Fund 10/11	107.38
41011WW · Waterway Fund 10/11	2,694.02
Total 41011 · 10/11 Dues and Assessments	8,556.38
41112 · 2011/2012 Dues and Assessments	
41112AD · 2011/2012 LPCA ANNUAL DUES	63,668.09
41112DA · 2011/2012 DREDGING ASSESSMENT	79,585.21

41112WA · 2011/2012 WATERWAY ADMIN	2,215.67
41112WW · 2011/2012 WATERWAY FUND	52,597.58
Total 41112 · 2011/2012 Dues and Assessments	<u>198,066.55</u>
Total 40000 · DUES AND ASSESSMENTS	211,565.93
46000 · LATE FEES & PENALTIES	2,149.25
47000 · Lien Fees	441.00
49000 · KEY/BADGE TRANSFERS & PENALTIES	216.62
Total Income	<u>214,372.80</u>
Gross Profit	214,372.80
Expense	
60000 · Administrative Expenses	
60100 · Office Support	24.65
60104 · Clerical/Mail	284.63
60110 · Bank Charges	32.00
60500 · President's Expense Allowance	600.00
60502 · Treasurer's Expense Allowance	600.00
60504 · Secretary's Expense Allowance	600.00
60600 · State & Local Fees	95.00
61107 · Newsletter	830.87
61108 · Legal	8,325.19
61110 · Rent for Meetings	540.00
61113 · Accounting/Bookkeeping	1,875.00
61207 · Storage Rent	360.00
Total 60000 · Administrative Expenses	<u>14,167.34</u>
62000 · Landscape Maintenance	
62240 · Common Area Maintenance	2,587.06
62000 · Landscape Maintenance - Other	1,021.80
Total 62000 · Landscape Maintenance	<u>3,608.86</u>
62500 · Dredging	
625001 · Pre-Dredging	7,767.84
Total 62500 · Dredging	<u>7,767.84</u>
63000 · Other Maintenance	
63306 · Security	1,690.00
63307 · Electric Bill	71.71
Total 63000 · Other Maintenance	<u>1,761.71</u>
Total Expense	<u>27,305.75</u>
Net Ordinary Income	187,067.05
Other Income/Expense	
Other Income	

Other Income	
BECU Interest	20.53
Waterway Account Interest	6.22
Whidbey Island Bank Interest	310.22
Total Other Income	<u>336.97</u>
42000 - FISHING DERBY	(405.71)
49500 - Neighbors Helping Neighbors Exp	328.00
49700 - Special Assessment Aid	650.00
Total Other Income	<u>909.26</u>
Net Other Income	<u>909.26</u>
Net Income	<u><u>187,976.31</u></u>

Balance Sheet

Jan 3, 2012

ASSETS

Current Assets

Checking/Savings

10001 - Coastal Community Bank	51,526.62
10100 - Whidbey Island Bank/MM	168,533.48
11000 - BECU Reserve	100,010.27
11010 - BECU Dredging	164,535.65
11500 - Whidbey Island Bank/D234	10,982.50
11510 - Morgan Stanley/Waterway Fund	192,306.51
11520 - Schwab/D234 Waterway Fund	83,595.06

Total Checking/Savings 771,490.09

Accounts Receivable

12000 - Accounts Receivable (247.75)

Total Accounts Receivable (247.75)

Other Current Assets

14999 - Undeposited Funds 360.00

Total Other Current Assets 360.00

Total Current Assets 771,602.34

TOTAL ASSETS 771,602.34

LIABILITIES & EQUITY

Equity

39000 - Retained Earnings 583,926.03

Net Income 187,676.31

Total Equity 771,602.34

TOTAL LIABILITIES & EQUITY 771,602.34

What is the authority for the Dredging Assessment and who has to pay? *Andy Messer*

The authority begins with the Plat of Lagoon Point (1950) which spells out the joint responsibility of the lot owners to maintain the common property. If you read the restrictions printed on the face of the plat maps and also included in the title report for your deed, you will find:

RESTRICTIONS CONTAINED IN DEDICATION OF AND RESTRICTIONS AFFECTING PLAT OF LAGOON POINT, recorded July 10, 1950, under Auditor's File No. 78936.

Dedication

Lots designated as "A" which is named Lagoon Lake, and Lots "B", "C" and "D" all bounded as indicated on this plat, are the undivided and common property of the owners of all lots in this plat for joint recreational use and enjoyment of themselves, their families and guests, and are not dedicated to the public. The development, maintenance, and upkeep of said Tracts "A", "B", "C" and "D" are a joint obligation of said lot owners, and for purposes of taxation the assessed value of the area of said Lots "A", "B", "C" and "D" may be pro-rated and included in the assessed value of all lots shown in this plat. Said Lots "A", "B", "C" and "D" are subject to such rules and regulations governing the same as from time to time may be adopted by a majority in interest of said owners.

This and all of the documents referenced in this article can be found on our website at: www.lagoonpoint.com under Governing Documents.

In 1977, in accordance with the above plat provisions, a majority of the lot owners signed a resolution, further defining their maintenance responsibilities: 1977 Resolution

In 1982 a lot owner challenged the right of the Lagoon Point Improvement Club, LPIC, to require him to pay dues. Subsequently, the court ruled that Mr. Hamilton was required to pay the portion of the dues that were his "share of cost" of maintaining the common property, but not the portion of the dues for membership in the "club": Hamilton Summary Judgment. A 1983 Appellate review upheld the court decision: Hamilton Appellate Decision.

The 1977 resolution was amended in 2002 to provide for mail-in balloting for the voting issues in the original resolution: 2002 Amendment to 1977 Resolution.

Also in 2002 the LPIC Bylaws were amended to provide for mail-in balloting when amending the bylaws. This was followed in 2003 by revised and updated bylaws, approved by a 2/3 majority of the lot owners voting by mail. The new bylaws provided for mail-in balloting for budgets, assessments and elections. Additional amendments have further refined the bylaws, including the name change from LPIC to LPCA in 2009: LPCA Bylaws – 17 February 2009.

Later in 2003, in accordance with the new bylaws, a Jetty Repair assessment of \$195 per lot was approved by a mail-in vote of the lot owners. The Jetty was repaired in the summer of 2004, however a small number of lot owners declined to pay the assessment, believing that only the lot owners of the newer Divisions 2, 3 & 4 were responsible for the Jetty. The delinquencies were pursued as provided for in the bylaws. Liens were applied and some of the delinquents paid. Then court summons were served and more paid. One hold-out case was eventually heard in court. The ruling was in favor of LPIC, finding that the Jetty was a part of the common area for which all lot owners shared a joint responsibility: Raymond Decision. The subsequent appeal upheld the court decision: Raymond Appellate Decision. Raymond paid the assessment, all late penalties and court awarded court costs.

While dredging was not specifically addressed in the Raymond Case, the court clearly reaffirmed the responsibility of all lot owners for the maintenance of our common areas, of which Lot C is a part.

In November 2007 an assessment was approved by a mail-in vote of all of the Lagoon Point lot owners to provide funds for maintenance dredging of the canal on Lot C: Newsletters | December 2007. In April 2010 an

increase in the Lot C dredging assessment to \$200/lot/year was approved by a mail-in vote of all of the Lagoon Point lot owners: [Newsletters | June 2010](#).

In addition to their Lot C assessment, Division 2, 3 & 4 lot owners approved an increase in their own special D 2-3-4 waterway fund assessment to provide funds for dredging the canals in Divisions 2, 3 & 4, which are NOT the responsibility of Division One and View Tracts.

Presently there are a few lot owners who have declined to pay the Lot C dredging assessment. In accordance with our current bylaws, liens have been filed against their lots. Some have since paid. The remainder are being served summons to appear in court. If the court finds in favor of LPCA, the delinquents will pay the assessments, late penalties, court costs and all legal expenses incurred by LPCA.

LPCA Bylaws 2/17/2009; Article II (Budgets, Fees & Assessments); Section 2. (Penalties)

(c) When a fee or assessment is one (1) year late: a lien shall be placed on the delinquent lot(s) owned and the full cost of filing and satisfying said lien shall be charged to the lot owner's account. On approval of the Board of Directors further collection efforts may be commenced. All costs incurred in attempting to collect the amounts due, including all actual attorneys' fees and costs, filing fees, court costs, and any other expenses incurred in the collection effort shall be included in the amount owed on the delinquent account and shall be paid prior to release of the lien.

I hope this helps answer some of the questions regarding our currently planned dredging project.

Garbage Cans

A homeowner called this morning and informed me that someone had put a garbage can at the north public access to the beach. If it had a lid, it is now gone. The garbage (which is mostly dog poop in plastic bags!) along with the rain had made a horrendous mess. She put the can out with her garbage today and will ask the driver to remove the can and its contents. If you put a can out be prepared to manage the garbage that gets put in it. Lagoon Point Community Association has put a garbage can on Lot C in the past and we had the same experience. It filled to overflowing with bags of animal waste. Who do you think is going to clean it up?

DOG OWNERS since you are prepared to pick up after your dog, please take your bag home and put it in your own garbage can! The County has in the past had a garbage can at the public access points but they don't have the money to do that anymore so they removed the cans. At this time there is no garbage drop off point at any of the public or LPCA properties.

Dredging Project Update *Andy Messer, Dredging Committee*

Our permit application has been approved by Island County and is now awaiting approval by the various state agencies. That will be followed by a final review with the Army Corp of Engineers. We have made initial contact with dredging contractors and diving companies. Contractor selection and scheduling will occur when we receive the permit. The expected work window will fall between July 15 and October 15, 2012. The dredging should take about 5 weeks, with diving surveys before and after. Provisions for boat traffic during the project will be made. Details will be announced once the work schedule is set.

Canal Lot Owners, do you need dock pilings?

We are once again gathering information regarding new or replacement dock piling needs and /or desires. If there is sufficient interest, we will organize a project to obtain permits and a contractor. Costs and timing TBD. Contact: **Andy Messer 222-3787 or Ted Hofstad 222-3004.**

LPCA 2012 Board Members

Suggestions? Questions? Contact your Area Rep or an Officer

President	Janet Bondelid	(360)222-3182	janet@bondelid.org
Vice Pres.	Ray Lane	(360)222-3209	lanemr@whidbey.com
Treasurer	Bob Morikado	(360) 222-3487	LPCAT@whidbey.com
Asst Treas.	Tim Milligan		TIMS2nd@yahoo.com
Secretary	Jill Massa	(206) 661-7328	jiliwigs@comcast.net

Asst Sec.	Jeannette Requa	(425)481-2788 or(360)222-3492	jnet@windermere.com
Area 1 Rep	Louise Abbott	Jan.-June (360)222-3486.	louiseabbot@whidbev.com
Area 1 Rep	Glenda Menne	July -Dec. (360)678-8785	gmenne@cablespeed.com
Area 2 Rep	(Vacant)		
Area 3 Rep	Doug Lockhart	(360)222-0114	lagoonpt@gmail.com
Area 4 Rep	Ruth Stibre	(360)678-5946	lagooncrows@gmail.com
Area 5 Rep	Dick Kuss	(360)222-3017	rkuss@acrowood.com
Area 6 Rep	Ken Jobe	(360)222-3482 or(425)238-3163	kenmarvjobe@whidbev.com

THE BULLETIN BOARD *Space is limited. Contact jiliwigs@comcast.net or Jill @ 206-661-7328*

- **Two Marine View Drive lots for sale.** Side by side. 3531 Marine View Drive. Water meter in. \$78,000 for both. Contact Karl Hoel (253) 859-5365
- **Handyman Services** - Local, reliable, bonded and insured, call Doug Hammer, A-2-Z Handyman Services at 360-678-5925
- **Sewing Machine Service** - all brands and sergers too! Fast turnaround in my home shop. Bernina Certified Tech. 360-222-3182.
- **Licensed Massage** in the privacy of your home. Morgan's Mobile Massage, reasonable rates. Contact Morgan Thomas, LMT at 425-343-7968.
- **Experienced seamstress** - will prepare what you would like done. Many baby afghans, a few baby quilts made up, can take orders, great handmade gifts for a shower. Monica Vierra 360-310-0936
- **Upholstery work** - all kinds: boat, auto, truck, furniture. Have mobile unit. 40+ years experience. All work guaranteed, free estimates. Pat McDaniel 360-222-3275
- **Licensed Practical Nurse**, available to help with home care, nail care and respite needs. Please call Judy Corbin, LPN at 425-343-8964
- **Cat care and dog walking.** wozabs@aol.com or 360-661-5837 Robyn Wozab
- **I would like to buy your vintage costume jewelry or consider any vintage/antique item(s) you may care to sell.** Please contact me at 360-678-2913 or 360-929-1116 and ask for Shelly.
- **Tax and QuickBooks** Experienced CPA and QuickBooks advisor. Convenient and personable service. Mary Hollen 360-222-3601
- **House FOR SALE** Fully furnished cabin ready to enjoy at 3585 Shorewood. Cedar walls, beamed ceilings, large view deck and storage room. New roof in 2011. \$99,900 as is. Terms available. Please call 360-321-4548.
- **Moon Mobile Signing** – I will come to your home to notarize documents. Sandy Moon 360-672-8320.
- **CNA/RNA Homecare** – All phases of in-home caregiving, assistance specialized to your family’s needs. Call Debbie Stone, 360-639-8302. Local references upon request.
- **21’ 1995 Wellcraft** coastal walk around boat with cuddy cabin. Many extras and recent upgrades with rebuilt galvanized EZ Loader trailer, 225 Suzuki outboard, 9.9 Suzuki trolling motor, auto pilot, electronics, everything in good shape. Always stored inside. Great fishing and family boat. Price \$10,000 as is or \$15,000 with completely rebuilt Suzuki main engine, or best offer. Call Ray or Laurie Gabelein at 360-321-1624 or email mallard@whidbev.com