

## **Jasonville Farms Subdivision HOA**

### **Special meeting minutes 1-23-25 @ 6 pm at Kent District Library**

All board members were present and attorney introductions.

President read the opening statement explaining why we are having the special meeting.  
(This document is posted separately)

Director reviewed what the "The Board" has accomplished:

We've worked a lot of hours and worked well together for the betterment of our neighborhood.

- A new website that will save cost. The website will be fully up and running on March 1, 2025.  
<https://jasonvillefarmshoa.com/home/>
- Hired a tax attorney and started filing the Corporate Transparency Act for 2024
- Filed taxes for the last three years, to start with until we find out what's coming, what penalties we're gonna owe, if any. We could also lose our nonprofit status because of the fact we didn't file taxes for many years. There are a lot of things that could happen right now because of that.
- Hired a collections agency and put that in place for people who are past due.
- Hired an HOA attorney who specializes in HOA issues.
- Cleaned up and excavated the parcel to make it usable and is being maintained. We did have a committee to see what we could do in the community parcel, but that didn't go anywhere as only 2 people showed up to the meeting and it would raise our dues even more.
- New landscape quotes, to save money. Also, the one we had last year was not doing their job. They weren't coming when they said they would, and we were paying for them to do nothing.
- Added the reserve to the budget that has never been there and needed to be there. So now if or when these tax penalties come due, we have the money there to pay for it.

Director read the budget overview and the 2025 budget.

(This document is posted separately)

The attorney was introduced and we explained why we hired him.

He explained what it means to live in an HOA.

You are a member of a private organization that governs the community. The board enforces rules and covenants outlined in the governing documents.

The Homeowners Association is a nonprofit corporation that was created by the developer. The association is in charge of implementing and enforcing the declarations and the by-laws.

The Declaration of Restrictive Covenants, Restrictions, and Conditions is the document that is recorded with the register of deeds that applies to each of your lots. This is a set of restrictions and obligations that by purchasing your property, you have agreed to follow. A lot of your everyday use of your property is governed by the declaration.

The bylaws are not a recorded document, but it does pertain to how the association as a corporate entity runs. The bylaws contain provisions about voting, meetings, the board of directors, and officers.

A new law went into effect on January 1, 2024, stating we have to file a Corporate Transparency Act. The tax attorney has filed this for the board for 2024.

- HOAs must file a Beneficial Ownership Information (BOI) report with FinCEN
- The report must include personal information about board members and other individuals with substantial control over the HOA
- This information includes names, dates of birth, addresses, and copies of government-issued IDs
- HOAs must report any changes to beneficial ownership information within 30 days
- Penalties for non-compliance: HOAs that don't comply with the CTA could face fines of up to \$500 per day, capped at \$10,000 and willful non-compliance could result in up to two years in prison.

Homeowners Energy Act – association can not prohibit solar panels and other energy savings modifications. The association must adopt a solar energy statement. We need to adopt this by April 2026.

Opening the floor to review the questions that were sent before the meeting:

Dissolving the HOA –

This is a 2-step process:

1. Each phase will need to vote to dissolve the HOA by a 2/3rd vote, and that will not take effect until the 25-year expiration (plus the 10-year extension. See spreadsheet), or the vote has to be unanimous (100% of all houses in the phase) need to vote yes to dissolve.
2. Only when ALL phases have voted to dissolve the HOA then the board can be dissolved.

What do we do with the common parcel that has a parcel # but no value with the township? We would need to investigate with the township regarding the parcel then we would need to hire a real estate attorney to help with common property.

All houses that were in the HOA will be responsible for any back taxes that are owed due to non-filing no matter if they dissolve the HOA or not.

Drainage rules will stay in place.

No one would maintain the 84th Street entrance.

If all phases do not dissolve the HOA they are required to take up slack in the HOA dues.

Example: 209 houses / \$22,000 = \$105.

If we lose 10 houses the rest of the HOA will be required to pay \$201 (199 houses / \$22,000 = \$201)

Homeowners stated they wanted the budget approved before setting the dues.

The attorney confirmed the board does not need to get homeowners' approval on the budget.

Homeowners suggested starting over.

The attorney confirmed that it would be less costly to amend the governing documents to reflect what the homeowners want rather than dissolve and start all over.

Each phase will need to vote to approve the amendments by a 2/3rd vote, and that will not take effect until the 25-year expiration (plus the 10-year extension. See spreadsheet), or the vote has to be unanimous (100% of all houses in the phase) need to vote yes to change the declarations.

Homeowners asked why we didn't inform them of these changes.

We didn't know about these issues until late 2024 and that is why we brought the attorney in to answer and explain the new laws that are in play.

Going forward the attorney will provide the changes to HOA laws.