

# MOUNTAIN BROOK of MADISON

VOL. 2, NO. 1

NOVEMBER 1, 2008

MOUNTAIN BROOK OF MADISON  
HOMEOWNERS ASSOCIATION  
94 CLEARBROOK COURT  
MADISON, AL 35758

## POINTS OF INTEREST:

??Mark your calendars for the upcoming MBoM HoA Meeting on 15 December 2008 at the City of Madison Municipal Building, 100 Hughes Road, Madison, AL.

??Do not dispose of yard waste and other garbage on ANY vacant lot in the Mountain Brook community.

??Submit your comments and suggestions via the website or dropped in the MBoM HoA mailbox at the Clubhouse.

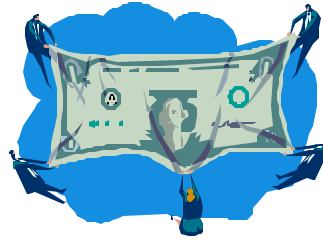
??Your thoughts on a post-holiday Community Open House? See page 4.

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## MOUNTAIN BROOK FISCAL OPERATING PROGRAM

The Board of Directors (BoD) of the Mountain Brook of Madison (MBoM) Homeowners Association (HOA) reports that given the current budget status and projected expenditures through year-end, the overall 2008 Fiscal Operating Program is expected to be executed within the level of funding received from our CY2008 HOA dues (despite \$1900 in uncollected delinquencies). Based on the revenue that should have been accrued as dues receivable from all of our property



owners and expenses (excluding those repairs and renovations to the clubhouse and community fencing which were drawn from the Capital Reserve Fund) the projected end-of-year Net Association Funds balance will be approximately

+2.5% of the HOA operating program.

Over the past year the HOA has been confronted with increased costs due to fuel surcharges commensurate with landscaping and pool services. Most of you are aware that the Tennessee Valley Authority has increased electrical rate costs by 20% effective 1 October 2008. Additionally, the Water and Wastewater Board of the City of Madison has made *(continued on page 2)*

## General Membership & Election Meeting

The Mountain Brook of Madison Homeowner's Association General Membership and Election Meeting for 2008 will be held at 6:30 o'clock in the evening on Monday, 15 December 2008 at the Main Chamber of the City of Madison Municipal Building, located at 100 Hughes Road, Madison, AL. Agenda items will include: status of repair/renovation projects; current fiscal operating program status; and ratification of the proposed CY2009 budget; and the annual election of board members. Board positions of secretary, treasurer, and trustee are eligible for consideration, so get with your fellow Mountain Brook neighbors and submit nominations or volunteer.



**Remember, in order qualify to vote or be elected, owners must be "members in-good-standing." Owners with delinquent accounts due to non-payment of association dues or accrued penalty fees as of 1 December 2008 will not be afforded any voting rights—whether in person or by proxy.** In accordance with the MBoM HOA by-laws, if an owner is unable to attend he/she may assign a proxy vote to another owner or a board member. **A proxy form is enclosed in this newsletter and must be mailed to the MBoM HOA via United States Postal Service and received no later than 1 December 2008 for election eligibility.** Please use the proxy form to include any issues or concerns to the BoD, and annotate individuals for board nomination as well.

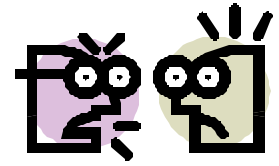
## MOUNTAIN BROOK FISCAL OPERATING PROGRAM

(continued from page 1)

a series of progressive rate increases to both general and irrigation metered water accounts which started this past summer in order to promote water conservation. There also have been water rate increases of 58% imposed by the Huntsville Utilities on its supplemental water customers, such as Madison.

Given the amount of water consumption that the HOA has been monitoring at the clubhouse and pool, the BoD is pursuing several efforts in order to ensure that we reduce our water consumption. One source of significant usage is suspected to be a crack(s) to the masonry pool liner which will be investigated over the winter.

**The "Mountain Brook of Madison Homeowner Association Fiscal Operating Program for 2006-2008" is presented in Attachment 1 of this newsletter.**



**Complaints and suggestions may be submitted via the Web; mailed or deposited in the MBoM HOA mailbox in front of the Clubhouse.**

## Homeowner Annual Assessments...Liens and Legal Actions

The BoD reminds all owners that the annual MBoM HOA dues invoices will be mailed by mid-December to the addressee reflected in the Madison County Tax Assessor records.

**Dues are to be paid by the 31st of January 2009, after which a \$25 penalty is levied. If not paid by the 28th of February 2009, the account is delinquent.**

Over the past year the BoD has actively pursued and afforded consideration (in light of extenuating circumstances) to several owners in the collection of delinquent dues. Unfortunately,

some owners persist in the disregarding their delinquency invoices. On behalf of the MBoM HOA, the BoD has enjoined a formal law firm to pursue legal action against these delinquent accounts.

**Be advised that delinquent accounts will accrue a \$25 per month penalty while they remain in arrears.**

**As implemented on 1 December 2007, lien actions will be initiated on all accounts with outstanding dues and/or accrued penalty fees. Be advised that ninety (90) days following lien recor-**

**dation a claims action will be sought through court action for garnishment of property for settlement of accounts.**

**Delinquent owners will also be responsible for payment of all associated attorney and court fees.**



**Do your part to avoid having the BoD exercise these undesirable actions... pay your dues!**

*Payments of Annual HoA assessments must be mailed through the United States Postal Service to:*

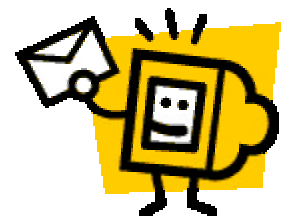


**Mountain Brook of Madison Homeowners Association  
c/o  
CDPA  
415 Church Street NW  
Suite C  
Huntsville, AL 35801**

## HELP KEEP THE \$\$\$ COSTS DOWN!

**WHY NOT PROVIDE US YOUR EMAIL ADDRESS SO THAT WE CAN SEND YOU THE NEWSLETTER AND OTHER TIMELY INFORMATION ELECTRONICALLY ?**

**JUST SEND A MESSAGE TO [Board@Mtnbrookofmadison.com](mailto:Board@Mtnbrookofmadison.com) REQUESTING IT AND WE'LL GET YOU CONNECTED! DON'T WORRY...YOUR EMAIL ADDRESS WILL BE HELD IN TOTAL CONFIDENTIALITY AND WILL NOT BE REVEALED OR MADE PUBLIC IN ANY MANNER OR DISTRIBUTED BY THE BoD.**



## Clubhouse Renovation and Repair

Earlier this year the BoD had programmed several repairs to the clubhouse, specifically, the replacement of rotted patio columns and renovation of the alcove ceiling. After these efforts were initiated the BoD was confronted with the discovery of water leakage in the equipment room and a considerable degree of rot behind the exterior drivet wall covering. Remediation of these conditions led to the BoD electing to incorporate several changes that have enhanced both the functionality and aesthetics of the clubhouse. If you haven't been by, the first thing you will see is that the bathroom doors no longer greet you at the front of the clubhouse. Although there have been no changes to the existing plumbing, a bathroom that serves the pool area is now accessed from an entrance off the patio alcove. The second bathroom has been reconfigured to have its entry from within the clubhouse. In doing so, a closet has been incorporated within this space to provide for secure storage of HOA records and equipment. Both bathrooms have had slip-resistant ceramic tile flooring installed. The alcove ceiling has been covered with a natural stained wood (replacing the interior drywall) and the exterior of the clubhouse has been completely repainted.

Investigating a suspected water leak led to a "larger than superficial" crack being discovered in the slab within the clubhouse. This crack was sealed and the soiled all-weather carpet was replaced with a moisture barrier underlayment and a "thirty-year life" laminated "distressed" wood flooring. It provides a significant enhancement to the clubhouse.

After three separate instances in which the air conditioning system failed while members had rented the clubhouse, the BoD determined it was impractical to repair and had the system replaced. With a SEER rating nearly twice that of the old system and incorporating a programmable thermostat, along with warranty coverage, the new system should provide significant savings in the future clubhouse electricity costs.

Ongoing efforts remain underway in the equipment room regarding repairs to the plumbing, drywall, and the concrete slab.

Contingent on availability of funds, the overall intent in the near future is to have the clubhouse be a community asset that will reflect a comfortable and enjoyable atmosphere that all the homeowners can utilize for private functions or special occasions, perhaps even while down at the pool on an ongoing basis during the summer months.



*Kensington Manor Laminate  
12mm Micro-Beveled Flooring  
"Hunting Lodge Mahogany"*

## ***NO GLASS! . . . Pool Safety is THE ISSUE!***

The major issue this past swimming season was the continual disregard for the "No Glass In the Pool Area" restriction. This policy is meant to provide a safe environment for all pool patrons and really entails individuals just using good common sense. Broken glass in or around the pool can cause serious injury to everyone and result in a costly expense to drain the pool in order to ensure that all glass has been removed. The BoD received several complaints from members identifying other owners and their guests having glass beer bottles at poolside or in the water. Due to the critical nature of pool safety, the BoD will procure and install new signs to remind everyone of the "no glass" policy and other safety rules.



## Fence Maintenance and Repair

The BoD had the objective this year to alleviate “the eyesore” and undertake the much needed common area fence repair and staining. After considerable internal discussion and “no-fee” consultation with our attorney regarding what constitutes “common fencing and common areas,” it was determined what property and improvements were to be maintained by the MBoM HOA and what should respectively be maintained by individual property owners. It was determined that the fencing facing Mountain Brook Boulevard was common fencing. As such, the

MBoM HOA is responsible for the exterior of the fence (to the street) and that the property owner has responsibility for the inside of the fence along their property. The “shared” responsibility between the MBoM HOA and the property owner includes maintaining the structural integrity of fence (posts and rails), while the faceboards and overall staining on their side are the responsibility of the respective entity. Accordingly, the cost of a significant repair or replacement of “common fencing” would be shared between the MBoM HOA and the property owner.

After prolonged attempts to obtain reasonable bids and resolve the scope of work for satisfactory performance, the BoD identified a contractor to undertake the effort. Aspects are already underway and the plan is to complete the common fencing along Mountain Brook Boulevard in several phases by the early Spring 2009 or sooner depending on the weather.

**Note: the approved stains for Mountain Brook community fencing are Glidden (formula 2710-0500) or Behr Solid Color Stain (Tugboat 535).**

## Mountain Brook’s Own “Who Dunit...???”

From that late-July weekend this past summer many of you may have been wondering just what happened to the fencing at the north entrance into our community at Zierdt Road and Mountain Brook Boulevard... and more importantly, why did it lay in shambles for seemingly months on end?

The clues were few and far between ... early morning hours of Sunday, 27 July...

male and female voices in the darkness... perceived flashing blue lights... vanished without a trace with the exception of the indications a vehicle ran up over the curb and through the fence...?

Commencing the next morning, the BoD pursued what ultimately turned out to be over a six week effort to uncover the circumstances and identify the party responsible

for the damage. The BoD steadfastly did not want to file a claim on our HoA policy (and pay the deductible), especially with evidence that pointed “elsewhere.”

On 12 September the BoD was notified of the guilty party and a claim is being submitted to the responsible municipality for renumeration of all costs to the MBoM HOA. As for all the BoD member’s hours spent...?



## Mountain Brook Community Holiday Open House

There’s been a proposal to have a community social open house after the New Year and when everyone has had a chance to recover from all the holidays. Sponsored by the MBoM HOA, it would be on a Sunday afternoon (perhaps 11 or 18 January) down at the clubhouse with heavy hors d’oeuvres and non-alcoholic beverages. BYOB as desired. Just a chance to meet your neighbors and be festive!

*Please go the Mountain Brook of Madison website and submit your comments and recommendations or drop them in the clubhouse mailbox. Thanks!*



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HOMEOWNERS ASSOCIATION  
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BOARD OF DIRECTORS

President - Mr. Austin Omlie  
Vice President- Mr. Stanley McMurtrie  
Treasurer - Mr. Austin Omlie (Acting)  
Secretary - Mrs. Mary Dougherty  
Trustee - Mr. Tom Keeney  
Trustee - Ms. Donna Brown  
Trustee - Vacant

----- CUT and MAIL -----

**Mountain Brook of Madison  
Homeowner's Association  
Annual Budget/Election Proxy Form**

The annual **Mountain Brook of Madison Homeowner's Association CY2009 Budget Ratification and Election Meeting** will be held at 6:30 PM, Monday, 15 December 2008. *Location is the Council Chamber of the City of Madison Municipal Building.* Owners are requested to annotate whether they will be attending. A proxy assignment is permitted to another MBoM HoA member in the event an owner cannot attend. If you own multiple homes, please complete entries for each respective property. **Please print or type, sign, and mail to the MBoM HoA — responses must be received no later than 1 December 2008.**

OWNER(S): \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ (HOME) \_\_\_\_\_ (CELL)

OWNER: \_\_\_\_\_ WILL ATTEND \_\_\_\_\_ WILL NOT ATTEND

DESIRES PROXY ASSIGNMENT TO : \_\_\_\_\_

ISSUE/CONCERN and/or NOMINEE(S)

SIGNATURE: \_\_\_\_\_