

## QUESTIONS FOR ATTORNEY ABERCROMBIE

### From Homeowners

1. Is it illegal or unethical for a president to use association funds to replace something on their property without a quorum vote or meeting with the members of the association first to discuss it?

**GA:** I'm not sure if this is pertaining to a sub association but I'll answer the question with regard to the Master HOA. It is not permissible to use funds in this manner without the full consent of that particular Board. Fiscal matters are governed by State of Ohio regulations and Board officers are responsible for and can be held liable for not following these laws.

2. What is the proper procedure to resolve an issue with the Master HOA bylaw agreement and any other existing bylaw agreement by other association lots?

**GA:** Sub association bylaws pertain only to the sub association and their duties and responsibilities to that sub association. **The Master HOA bylaws govern the entire Bluffs Community of which all sub associations are automatically a member of when those members purchase a property in The Bluffs.**

3. Are we zoned to have a business in our neighborhood?

**GA:** It is difficult to discuss this without specifics, but I will assume that this has to do with Lot 12. Originally this lot was zoned RA which is residential agricultural, and it was designed to temporarily serve the developer's needs. The zoning states its use as commercial but it is zoned Residential, however it is currently being used as housing and a business. The County is "befuddled" regarding the zoning issue which has been brought up by your Board of Trustees who have also been in contact with the County as well as Springfield Township.

Further investigation into the zoning conflict is required to resolve this issue and to answer the question.

4. When a treasurer has resigned and not yet been replaced, can a president alone remove the secretary without a vote from a full board or a quorum of the members of the association?

**GA:** Only the Condo Board minus the officer being removed can make that decision. One Board member alone cannot make that decision.

This section is from our bylaws - The Bluffs Plat 3, Lot 21 Condominium

**Article V, Officers, Section 4, Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the president, or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and the acceptance of such resignation shall not be necessary to make it effective.**

5. Does nonuse of a road exempt homeowners from paying an assessment?

**Karen:** answered by reading the following from the Master HOA bylaws. Article II, Page 8

**.No owner May waive or otherwise escape liability for the annual assessments provided herein by non-use of any common areas or any facilities located thereon or by abandonment of his lot.**