

February 28, 2017

## La Quinta Tennis Villa Newsletter

Dear Fellow Homeowners,

Enclosed you will find a request for you to vote "Yes" or "No" regarding an amendment to the CC&Rs governing our La Quinta Tennis Villas HOA. The vote is in regards to maintenance and repair responsibility of your own personal decks and balconies. In drafting this amendment, the board took advice and worked closely over the past few months with our HOA counsel, our reserve study specialist, and numerous building specialists. At our HOA meeting of 9 February, the board voted to submit this proposed amendment to the HOA for a vote. The board also voted for the HOA dues to be lowered from the current level of \$570 per month to \$545 per month, if this amendment passes. I encourage you to **vote "Yes"** on this amendment, and I hope this letter helps you make that decision.

My personal summary of the key points of what a "Yes" or "No" vote means is as follows:

### **A "Yes" vote means:**

- Your HOA dues will be lowered in the immediate month following a "Yes" vote from \$570 to \$545.
- The HOA will continue to be responsible for all maintenance, repair and replacement of the terra-cotta ceramic tile and roofing protecting every Villa.
- The HOA will continue to be responsible for the painting of all exterior walls of your Villa, including the exterior walls located in your private deck and patio areas.
- The flooring and drainage of your own decks and balconies and rails will be your responsibility to maintain and repair. This primarily means that it will be your responsibility to maintain and repair or replace as needed the following:
  - The roof and wood planks (or other material if your deck has been updated since original construction) of your own patio area, usually on the second story above your garage.
  - The wood planks and rails of your own balconies, usually on the second story in the back of your Villa.
  - The steel rails on your balconies. To my knowledge, aside from the HOA painting these rails every decade, no homeowner has spent one dollar having to maintain these rails.
  - The concrete of your own patio that is on the backside of your Villa.
  - Any drainage issues arising from the drains usually located in your own second story deck or patio, usually draining out into the street in front of your Villa. This primarily means that you will have to clean any leaves or debris blocking your drainage. It could also mean that if your drain cracked and started to leak into your garage, you would need to fix that. To my knowledge, this has never happened to any of our 48 Villas in the past 30+ years.

### **A "No" Vote means:**

- Your HOA dues will remain at \$570 per month for the immediate future, and will not be lowered to \$545 per month.
- The HOA will continue to be responsible for all maintenance, repair and replacement of the terra-cotta ceramic tile and roofing protecting every Villa.
- The HOA will continue to be responsible for the painting of all exterior walls of your Villa, including the exterior walls located in your private deck and patio areas.

- The HOA will continue to be responsible for the flooring and drainage of your own private decks and balcony, which is currently budgeted at \$14,400 per year for the next many years.

I strongly encourage you to **vote "Yes"** on this proposed amendment for the following reasons:

- The decks and villas of each unit are something which are essentially only used, appreciated and visible to the owners and guest of one's own particular Villa. They are not an aspect of a Villa or common area such as an exterior wall, ceramic tile roof or landscaping which can be seen and enjoyed by anyone walking around the HOA. If an individual homeowner neglects their own private deck or patio area, the board does not believe it will at all negatively impact the enjoyment of the HOA by anyone else.
- The board has consulted with numerous specialists, and believes that any damage which could be caused by a neglected patio, deck or drainage is not something which could additionally cause damage to any aspect of a neighboring Villa. Our ceramic tile roofs for example, could possibly have an area of concern over one Villa, which at the same time causes damage to an adjacent Villa. It is for this reason that the responsibility of ceramic tile roof is not being proposed to switch away from the HOA.
- The patios, decks, balconies and drainage are not an "equal" aspect of our Villas. We all pay the same monthly dues, and get to enjoy the pool the same amount, the landscaping, and the exterior painting of our Villas. But the patios, decks and balconies are something which are very unique to the style of our Villas. Some Villas are one story with no drainage, and some (most) are two story. Some Villas have above garage patios, some have none. Some Villas have large patios, some have very small patios. Since the patios, decks, balconies and drainage of our Villas are so different, the board believes the fairest situation is for homeowners to individually maintain their patios, decks, balconies and drainage.
- In the unlikely and extraordinary case whereby damage is caused to a neighboring Villa by an owner's neglectful maintenance of their deck, patios, balconies and/or drainage, the HOA will by our CC&Rs have the option to enter that neglectful owner's unit and perform such repairs (see section 7.3 (b) or our CC&Rs). My own patio roof deck for example has had a leak into my garage for the past decade which shows up at every good rain or hosing down of my deck. I have tried three separate repairs and contractors, still with no luck. Fortunately La Quinta is a very warm and dry climate, and no material damage has occurred to my garage besides some leak stains. (I think I finally found the solution though, give me a call please if interested and I'll fill you in!)
- Maintenance of the patios and decks of our Villas is a time consuming issue for our HOA management company and board. This time would much better be spent on areas that benefit all homeowners, such as our landscaping.
- The HOA management and board quite frankly does a very mediocre job of maintaining patios and decks. Every patio and deck seems to have been built and maintained slightly differently. This is something very unique to each Villa, and is best handled by each individual Villa owner.
- Maintenance of the patios and decks of our Villas is a variable cost which comes up randomly, costs \$2,000 to \$4,000 per unit, and makes annual budgeting difficult and less reliable than desired.
- To the best of the board's knowledge, these patio and decks and drainage responsibilities used to be the responsibility of the individual homeowners. When the CC&Rs were revised in the early 2000s, this responsibility was switched from the individual homeowner to the HOA, along with the responsibility for the HOA to maintain the ceramic roofs. One of the current HOA board members in fact paid for their own patio repairs in the early 2000s, before the current CC&Rs were put in place.
- If the HOA is relieved of these responsibilities outlined in the amendment, we will immediately be able to lower our dues by \$25 per month (to \$545 per month), making the La Quinta Tennis Villas much more competitive with our neighboring Santa Rosa Cove HOAs. To my knowledge all of our neighboring Santa Rosa Cove HOAs have only one story residences, and have not had to have this additional variable and random cost. Please also note that as mentioned in my 11/14/16 newsletter, the

HOA board has decided to not continue our group Time Warner / Spectrum cable subscription after May 2018. Once the cable subscription ends, we hope to be able to lower the monthly HOA dues by the equivalent monthly cost of \$46, which keeping all other costs even would allow us to lower our monthly HOA dues in the spring of 2018 to a very competitive level of \$499 per month. The last time our monthly dues were below \$500 was in 2006, when they were \$485 per month.

I hope you have found this letter convincing and informative, so that you will return your ballot with a **“Yes”** vote.

For your reference and as a reminder, all of our HOA governing and ongoing documentation (and more) is available for your reference at [www.laquintatennisvillas.com](http://www.laquintatennisvillas.com). The password is: lqtv4231e

If you have any questions or concerns at all, please do not hesitate to give me a call at your convenience. My mobile is 415 300 7902.

Best regards,

Ryan Nelson  
La Quinta tennis Villa Homeowner and HOA Board Member

LA QUINTA TENNIS VILLAS HOMEOWNERS ASSOCIATION  
A California Nonprofit Mutual Benefit Corporation

NOTICE OF SPECIAL MEETING OF THE MEMBERS

*Date: Friday, March 31, 2017*

*Time: 9:00 a.m.*

*Location: Gold Coast Enterprises*

*75178 Gerald Ford Drive, Suite B1, Palm Desert, CA*

TO: MEMBERS, LA QUINTA TENNIS VILLAS HOMEOWNERS ASSOCIATION

PLEASE TAKE NOTICE that a Special Meeting of the Members will be held on Friday, March 31, 2017, commencing at 9:00 a.m. at Gold Coast Enterprises, 75178 Gerald Ford Drive, Suite B1, Palm Desert, California. At this meeting, the Inspector of Elections will open and count the votes on the proposal to amend the Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for La Quinta Tennis Villas ("Amendment"). The text of the proposed Amendment is included on the enclosed Secret Ballot.

No other business may be transacted.

Tabulation of the Secret Ballots will take place at the Meeting. Members may observe the counting of ballots. Secret Ballots may be submitted to the Inspector of Elections prior to the date of the Meeting. You may also bring your Secret Ballot to the Special Meeting. The polls will open to receive Secret Ballots at approximately 8:45 a.m., and will be closed by the Inspector of Elections at approximately 9:10 a.m.

Please note that, pursuant to Corporations Code Section 7511, the members may adjourn the Meeting to a date not more than 45 days from the original date of the Meeting, and that, in that event, the Inspector of Elections may reopen the polls to accept additional Secret Ballots.

Board of Directors  
La Quinta Tennis Villas Homeowners Association

Dated: February 28, 2017

By: Andrea Fidler

Community Association Mgr  
On behalf of the Board  
of Directors.

**LA QUINTA TENNIS VILLAS HOMEOWNERS ASSOCIATION**  
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**VOTING INSTRUCTIONS**

1. Enclosed you will find a Secret Ballot with one (1) issue to vote on. Please vote by marking an "X" or making a "✓" in the box of your choice, to vote "yes," "no" or "abstain" on the Secret Ballot. The Association membership is voting on amending the Association's CC&Rs. The text of the proposed amendment is included on the ballot.

**NOTE: THIS IS A SECRET BALLOT. DO NOT PUT YOUR NAME, ADDRESS OR ANY OTHER IDENTIFICATION ON THE SECRET BALLOT**

2. Insert the marked Secret Ballot in the smaller Official Ballot Envelope (Envelope #1). **NOTE: DO NOT MAKE ANY MARKS ON ENVELOPE #1 THAT WOULD IDENTIFY YOU OR YOUR VOTE IN ANY WAY.**
3. Seal Envelope #1.
4. Place the sealed Envelope #1 into the larger Official Mailing Envelope (Envelope #2).
5. Seal Envelope #2.
6. Indicate your name, Association property address, city and state, in the upper left corner of Envelope #2, and sign where indicated. Do not use an offsite mailing address or Post Office Box – **use only the Association address of the Unit which you own and for which you are voting.**
7. The sealed, completed Envelope No. 2 may be mailed or delivered by hand to the preaddressed Inspector of Elections address. Do not mail your assessment payment or any communications to the Association in these envelopes.
8. Owners of multiple properties must submit separate Secret Ballots in separate sealed Ballot Envelopes (#1 and #2) for each property owned. Each Envelope #2 must reflect the property address at the Association for which votes are being cast.
9. The Inspector will only accept Secret Ballots and envelopes provided by the Association.
10. If an owner fails to put a Secret Ballot in the two sealed Envelopes and sends empty envelopes, the envelopes will not count for any purpose.
11. **Once cast, your Secret Ballot may not be changed, retrieved or revoked.**
12. In order to be counted, your Secret Ballot must be received by the Inspector of Elections at the address shown on **Envelope #2** before the polls close on Friday, March 31, 2017. You may also bring your Secret Ballot to the Special Meeting. The polls will open to receive Secret Ballots at 8:45 a.m., and will be closed by the Inspector of Elections at approximately 9:10 a.m.

**LA QUINTA TENNIS VILLAS HOMEOWNERS ASSOCIATION**  
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**SECRET BALLOT**

This is a SECRET BALLOT. Do not put your name, address or other identification on this Secret Ballot.

It is proposed that the CC&Rs be amended to shift responsibility for the maintenance, repair and replacement of the patios and decks appurtenant to the units, and the gutters and downspouts, from the Association to the individual owners. (Material to be added is shown underlined; material to be deleted is shown by ~~strikeout~~.)

It is proposed that Section 7.1 of the CC&Rs be amended to remove responsibility for the patios and decks from the Association, except the responsibility to paint the rails and side walls of the patios and decks:

"...Without limiting the foregoing, the Association shall be responsible for:

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~~"(b) The periodic structural repair, resurfacing, sealing, caulking, replacement or painting of the Restricted Common Areas of the Units, that is, the patios and decks appurtenant to the respective Units, including side walls and rails, so long as such repair, replacement or painting is not required due to the willful or negligent acts of the Owner, his family members, guests, tenants or invitees. The painting of the side walls and rails of the patios and decks, interior and exterior."~~

It is proposed that the following be added to Section 7.2(a), to provide for the owners' responsibility for their patios and decks and for their gutters and downspouts:

"Each Owner shall be responsible for the periodic structural repair, resurfacing, sealing, caulking and replacement of the Restricted Common Areas of the Owner's Unit, that is, the rails, patio and deck (including any patio/deck areas over garages) appurtenant to the Owner's Unit, and for the maintenance, repair and replacement of all gutters and downspouts on the Owner's Unit. Each Owner shall be responsible for any damages caused by water leaks from the Owner's deck or patio."

**Quorum and Approval Requirements:** Responses from a majority of the voting power, or twenty-five (25) members, will be required to constitute a quorum. (Bylaws, Section 5.5(a).)

The approval of sixty percent (60%) of the voting power of the Association, or twenty-nine (29) members, will be required to approve the proposed amendments to the CC&Rs. (CC&Rs, Section 18.3.)

**Vote on Amendments to CC&Rs:** (CHECK ONLY ONE BOX)

- YES (IN FAVOR)
- NO (AGAINST)
- ABSTAIN (WITHHOLD VOTE)

**ONCE CAST, THIS SECRET BALLOT CANNOT BE REVOKED OR CHANGED**