

Anthem VOICE!

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Anthem Voice Advisory Board

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Retired

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US Air Force, Retired

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Joan Patrick
Former Chairman,
Douglas County, NV
Planning Commission

Tim Stebbins
Past President/CEO

Larry Wolf
Psychologist

ANTHEM VOICE NOVEMBER MONTHLY MEETING

Guest Speakers

Robert C. Maddox, Attorney

Maddox & Associates

“Construction Defects in Sun City Anthem”

*“The Calvary Chapel Green Valley Church
and the BLM Land Purchase”*

Lynn Pendleton

Welcome to Anthem Voice

Anthem Voice is a residents' independent communications network for the Sun City Anthem active adult community in Henderson, Nevada. Our name says what we stand for: a Sun City Anthem that has

VOICE: Vision Openness Integrity Community Efficiency

Anthem Voice is headed by a dedicated group of SCA residents. It tries to offer a fresh perspective on critical community issues.

Like any volunteer group, Anthem Voice can only be successful with your participation. We value your “Voice” on important issues and welcome your active participation in our organization, website, blog and newsletter. If you would like to be a part of the “Anthem Voice” team, as a supporter or a volunteer please get in touch with us.

Be a “SCA Resident Journalist”

Read our Newsletters and Present your Thoughts on the Blog
www.anthemvoice.org

What Are Sun City Anthem "Covenants, Conditions & Restrictions" (CC&Rs)?

Sun City Anthem residents need to be better informed about the Nevada State and community rules that govern their lives. The basic documents governing the SCA Home Owner Association are: Nevada Revised Statutes (NRS) Chapter 116, Nevada Administrative Code (NRC)116, SCA ByLaws, SCA Covenants, Conditions & Restrictions (CC&R), SCA Rules and Regulations

The CC&Rs—the "Covenants, Conditions & Restrictions"—are the governing documents that dictate how the homeowners association operates and what rules the owners must obey. These documents and rules are legally enforceable by the homeowner association, unless a specific provision conflicts with federal, state or local laws.

SCA's CC&Rs cover a broad range of topics, including: age restrictions for residents, the number of occupants per house, garage door openings, parking restrictions, house painting, free-standing flag poles, voting rights, association fee increases, reserve funds, expansion of the community, vacation villas, golf ball damage to homes, activity cards, dispute resolution, and many more topics.

The major problem with the current CC&Rs is that they were written by the Del Webb/Pulte developer (Declarant) to protect developer interests. Now that SCA is a resident administered common interest community, the CC&Rs must be modified or rewritten to remove conflicts and contradictions with revisions in Nevada NRS and NAC regulations. Other CC&R revisions might also be in order in spite of the fact that it is (a) a monumental task and (b) our current Board President has stated that, while he is in office, it won't be done because it is too difficult to do. Still, some changes to consider are: setting lower-level resident voting standards for changing rules or approving budget changes; removing conflicting rules on resident/common property maintenance; and updating architectural review standards.

ANOTHER ACCOUNTABILITY ISSUE Why Doesn't RMI Follow Proper Accounting Procedures?

In October 2006, the SCA management firm RMI issued a check to The Minuteman Foundation for \$16,700. The RMI record for the check states simply that it was for a "donation" to The Minuteman Foundation. There is no other clarification as to why SCA would issue such a check or why in that specific amount. There are various stories about what the check was really for, but that is not the issue here.

The ISSUE is that the SCA management agreement forbids RMI from issuing any check for more than \$5,000 without approval by the full SCA Board of Directors. When asked why RMI would issue a large check without the required approval, RMI responded that they were directed to do this by the Board President.

It is important to note that in October 2006, the President and the Vice President of the SCA Board were at the same time the President and Vice President of The Minuteman Foundation.

There is no record of any Board approval of this transaction in all of 2006. And there is definitely no record of approval by the Board for issuing the check.

SCA governing documents call for approval by the full Board of Directors for expenditures of SCA money in such large amounts. No individual officer or Board member or even two officers or Board members can authorize such a large check – approval by the full Board of Directors is mandatory. There should be full RMI documentation as to why this check was issued and what steps were taken to ensure that proper legal procedures were taken in issuing it. This is just one example of improper RMI accounting and there could be other cases that nobody is paying attention to.



OPTION 4

REMOVAL (Recall) ELECTION

10% of Residents Sign a Petition

35% of Residents Must Support

Time Frame: 2 to 4 months

Useful Resident Educational Process

RESULT

**Board Members actually held
Accountable for Misbehavior &
Dismissed from Office**

**Least Costly & Most
Efficient Option**



OPTION 3

Seek Help thru State Laws and Legal Action

Most Costly and

Time Consuming Option

NV OMBUDSMAN'S OFFICE

Lacking in Enforcement Capability

NV REAL ESTATE DIVISION

Only Interested in Legal Violations

NV COURTS

Must Prove Fraud

Homeowners Pay Both Sides

Options for Dealing with Home Owner Association Board Mismanagement



OPTION 2

Show Concern for Management Issues

Participate in Association Meetings

Comment on Websites and Blogs

**RESULT: Board Annoyed by this, more Cau-
tious, but can remain Defiant and Resist
Resident's Concerns if most Residents re-
main Indifferent to Mismanagement**



OPTION 1

Elect Responsible

Candidates to the Board

Examine Campaign Promises

Evaluate Board Performance

**Result: No Direct Checks
on Board Behavior**



Anthem Voice

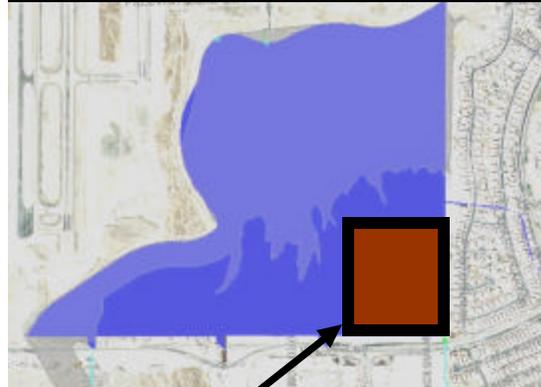
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**Wouldn't this be a Great
Place for Walking Trails?**



**The Calvary Chapel Green
Valley Church
Proposed Location**

Here is How former SCA Board member David Berman Described his Relationship to the Trumpets Issue

“...Though I have described the events before, I'll do it again for the benefit of those who need to be educated.

I ran for the Board on a platform that included a commitment to do all I could to enforce the Trumpets lease, including kicking them out for nonpayment of rent and suing them for damages if necessary.

After I was on the Board, Favil West and Bob Berman kept us mostly in the dark about what they were doing with Trumpets, which I found outrageous but could do nothing about.

During this time, Bob Sansing, Lyndall Ruiz, Dave Weil and I reached an understanding with the other three that we'd allow them to continue their so-called negotiations if they agreed that we would give the Trumpets file to a litigation attorney so that he could study it and prepare us for a possible course of litigation. We authorized the expenditure of up to \$10,000 for that purpose.

What happened next? A Board election occurred, Favil West essentially took control of the Board and was elected President, and he terminated the services of the litigation attorney.

That is what happened, despite any efforts you make to spin it otherwise. Anyone who knew what I said and stood for will recall that I NEVER stopped advocating, before my Board service, during my Board service and after I left the Board, any actions other than to kick Trumpets out and take them to court. So you see, David Weil and the rest of the Board DID take steps you describe to prepare to enforce the lease, but once Favil came into his position of authority, he terminated the process.” (Quote Source: *Anthem View* blog October 31, 2007, modified slightly to remove personal references to the individual David Berman was responding to.) Mr. Berman was on the SCA Board of Directors from May 2005 to July 2006.