

From: Susan Wrona – Sun Oaks Homeowners Association

My name is Susan Wrona and I live in the Sun Oaks Homeowners Association (SOHA) in Medford, OR. I have been involved in this community as a previous and now current Board member, and as a Task Force Chair to amend governing documents and now a Task Force to address a problematic Common Property issue. Sun Oaks is a lovely older HOA initially developed in 1977. It consists of 28 Townhomes and 94 detached single family homes. I am here to address the impact of a certain section of SB 94.590 which presents a significant impediment to my HOA's ability to take action on an onerous and unfair dynamic related to Common Property that began with our original Governing Documents

The specific section of current law SB94.590 which is of concern is section (1)(B) which requires that any change in the method of determining liability for common expenses **cannot be changed without the unanimous consent of all affected lots or units**. I would note that no other voting requirement exists in HOA law outside this issue, and the other 3 portions of this section for a 100% approval of residents. It is typically 75% approval

The specific issue in SOHA was set in motion by the developers of the property. Initial plans were that the whole Association was to be all Townhomes. However an economic downturn caused the developers to change plans after the first 28 Townhomes were underway. They sold off all remaining property as 94 single home lots. In the original Governing Documents it was declared that all Common Property is equally owned by, the responsibility of, and for the enjoyment and benefit of all homeowners. However, the developers created a requirement that the Townhome owners alone were responsible for the irrigation and landscape maintenance of the commonly owned surrounding the section where the Townhomes are located. The Townhome owners also pay their share of the irrigation and landscape maintenance of all other commonly owned property within the Association boundaries. Because the area of concern includes a pool and two large recreational lawns, as well as the grounds around a portion of the entry road into Sun Oaks, the costs for irrigation and maintenance are great. Currently 28 Townhome owners pay their portion (\$16.23) of the maintenance of all other common property in SOHA but also pay \$94.64 more per month for maintenance of property also owned and used by 94 other residences in the community. Thus, the Townhomes pay a total of \$111.07 while the detached homes pay \$16.23 for the landscape maintenance of Common Property in Sun Oaks. This does not even include the irrigation costs. This is not only increasingly onerous and burdensome, it is patently unfair.

Because of the conditions set forth in SB 94.590 (1)(B), we cannot put forward a vote to change this "liability for common expenses" and expect that we would get 100% approval to change this assessment. In fact, we know quite clearly we would not get 100% approval. We do have a number of single family homeowners who would support a change to an amendment requiring that all Common Property irrigation and maintenance is the responsibility of all 122 units. At the very least it can be addressed and perhaps approved if there is a chance of having 75% approval. All other assessments put forth by the Board are subject to 75% approval at our Annual Meetings.

The amendment to 94.590 before you is one that provides us an opportunity to correct contradictory dynamics in our documents that we cannot currently change. Above all it would remove the subsidization of 94 common property owners by only 28 common property owners; something that is an ever increasing monetary burden and patently unfair requirement.

Thank you for your consideration.