



Chevington Woods News

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CWCA ANNUAL MEMBERSHIP MEETING SET FOR OCTOBER 28TH

Pursuant to Article V, Section 1 of the Association Bylaws, the annual meeting of the members/lot owners of the Chevington Woods Civic Association will be held beginning a 7:30 p.m. on Thursday, October 28, 2010 at the **Seton Parish Church Activity Center** located behind the main church at **600 Hill Road North, Pickerington, Ohio**. The doors will open at 7:00 p.m. for registration of members/lot owners prior to the meeting.

PLEASE NOTE: Pursuant to the action taken by the members/lot owners assembled at the CWCA Annual Membership Meeting held on October 29, 2008 the tentative Minutes of each annual meeting are available for review on the CWCA website at the URL (Internet address) shown on the masthead of this newsletter.

The intent of the motion passed at the 2008 meeting was to allow residents to access the CWCA web site and read the tentative minutes prior to the meeting. Accordingly, if there were no corrections to be made, the minutes could be passed as published and the actual reading of the minutes during the meeting could be waived which would allow the meeting to progress much more expediently

If you plan to attend the meeting, please take the time to review the tentative minutes of last year's annual membership meeting held on 10/28/09 prior to the annual meeting this year.

CWCA HALLOWEEN TRADITION CONTINUES

The traditional CWCA hospitality of free cider and donuts for the parents and children at the North Reserve will continue this year from 7 p.m. until 8 p.m. on the night designated by local authorities as trick or treat/beggars night. Enjoy some refreshments and visit with your neighbors for a while that evening.

CWCA DEED RESTRICTION ENFORCEMENT ENTERS FINAL PHASE - COURT DECISIONS

Even though the number of deed restriction violations has dwindled to a relative small number of lot owners, the Board of Trustees has fulfilled the promise made to the significant majority of lot owners in prior years and litigation became the final step in achieving deed restriction enforcement.

Accordingly, in March of this year thirteen (13) lawsuits were filed in Fairfield County Municipal Court (Small Claims) to compel payment of dues pursuant to the deed restriction provisions. Nine of the lawsuits were settled prior to trial with payment in full. Four of the lawsuits went to trial on April 28th and in each case the Magistrate ruled in pertinent part as follows:

Mandatory Payment of Dues:

"The Magistrate finds as follows:

1. On March 15, 2010 Plaintiff filed a Complaint against Defendant alleging it was owed the sum of \$220.00 for homeowner's association dues that remain unpaid.
2. At all times herein, Defendant was the owner of the residence property located at [Chevington Woods], Pickerington, OH 43147. The property owned by Defendant is subject to conditions, restrictions, and modification of restrictions contained in prior deeds of record and referred to in Defendant's deed of transfer. Recorded modifications to the restrictions provide for a homeowners association and that each lot owner agrees to become a member and be subject to the obligations and duly enacted by-laws and rules of the association. The Code of Regulations (Constitution and By-Laws) of the Chevington Woods Civic Association provides for dues.
3. Plaintiff introduced into evidence "Exhibit C" which was an accounts receivable register for the Defendant's

property indicating that there were dues owed in the sum of \$220.00.

CONCLUSIONS OF LAW

1. Defendant breached the agreement between the parties by failing to pay the Homeowners Association dues and as a result, Plaintiff is entitled to judgment in the sum of \$220.00.

MAGISTRATE'S DECISION

Judgment for Plaintiff against the Defendant in the sum of \$220.00 plus interest at the rate of 4% per annum from the date of judgment and costs.

Date: July 7, 2010"

Frank W. Green, Magistrate

Yard Lights, Recreational Vehicles, Trailers, Boats, Motor Homes, etc.

Two cases were also filed in the Court of Common Pleas in Fairfield County. In the first case the judgment was as follows:

"Based on the evidence and the law, the court enters judgment in favor of the Plaintiff, Chevington Woods Civic Association, Inc., against the Defendants, [Chevington Woods residents] jointly and severally, as follows:

A. Judgment for outstanding Membership Dues in the amount of Two Hundred Ten and 00/100ths Dollars (\$210.00), together with interest currently owing in the amount of Eighteen and 62/100ths Dollars (\$18.62) with interest continuing to accrue thereon at the statutory rate of interest from June 30, 2010;

B. Declaratory Judgment finding that the Defendants have been and continue to be in violation of the Chevington Woods deed restrictions contained in the applicable deeds and referenced in the Defendants' deed of transfer, specifically:

1. Failing to maintain in good repair and working condition an outside yard light on the property which is required to emit adequate light during the entire period from one-half hour after sunset until one-half hour before sunrise;
2. Parking, storing, and/or maintaining a commercial

vehicle, recreational vehicle, construction equipment, and/or trailer on the property;

3. Failing to timely pay Membership Dues;

C. A permanent injunction pursuant to Rule 65 of the Ohio Rules of Civil Procedure in favor of the Plaintiff against the Defendants as follows:

1. Ordering and enjoining the Defendants from maintaining the above described deed restrictions violations;
 2. Ordering the Defendants to correct the deed restrictions violations stated above;
 3. Ordering and enjoining the Defendants from selling their real estate located in Chevington Woods until such time as the Defendants have corrected the deed restrictions violations stated above;
 4. Ordering the Defendants to comply with the Deeds, the deed restrictions, and the Code of Regulations of the Chevington Woods Civic Association, Inc. while they remain owners of real estate in Chevington Woods; and
- D. The court costs incurred by the Plaintiff in maintaining this action.

After reviewing the evidence and the applicable law, the Plaintiffs claims for punitive damages and attorney's fees are denied.

It is so ORDERED.

Chris A. Martin, Judge

The second case filed in Fairfield County Common Please Court involved a resident who flaunted the deed restrictions by parking his boat on a concrete pad near the street at his residence and then erected/installed multiple sheds on the property.

The resident retained counsel and settlement negotiations continued for several weeks between counsel for the CWCA and counsel for the defendant. Eventually a settlement was reached wherein the defendant agreed to abide by the deed restrictions contained in each and every deed, as amended, applicable to each lot in Chevington Woods, and maintain only one shed on the rear of his lot. The boat will be stored on the lot in compliance with the deed restriction provisions, i.e. "No commercial vehicles, camper or vacation vehicles, construction, or like equipment, or mobile or stationary trailers of any kind shall be permitted on any lot of the subdivision unless kept in a garage and completely enclosed."

For several years now there has been a misconception that the CWCA has no enforcement authority, did not legally exist and it was just neighbor versus neighbor. However, the court decisions have plainly shown pursuant to the Ohio Revised Code that your Civic Association not only has the authority but the fiduciary responsibility to enforce the deed restrictions lest the Board of Trustees be subject to lawsuits for failing to carry out their fiduciary responsibility. Does that mean every time a resident complains the CWCA must file a lawsuit? No. It means that every time a resident files a complaint it must be investigated and a determination made as to the merits of the complaint and enforcement action required, if any.

For those residents who wish to verify the Court rulings cited above they are available for review on the court website as follows:

<http://12.49.195.19/cgi-bin/mdocket.cgi?pre=CVI&num=1000889&sub=&type=CV&acc=>

[2010 CV 00399](#)
[2010 CV 00573](#)

<http://www.fairfieldcountyclerk.com/Search/report.aspx?xtCaseNum=37732705>

All of the cases cited herein are a matter of public record but it is neither the intent nor the desire of this CWCA Newsletter to embarrass any resident. On the other hand, the members of the CWCA are entitled to public documents that effect their dues and membership requirements and complete copies of the court decisions will be posted on the CWCA website shown on the masthead of this newsletter.

Further, it appears that some residents (based upon complaints received by the Trustees of late) assume deed restrictions enforcement has ceased since they have begun to park trailers, recreational vehicles, boats and etc. upon their lots during the long process of the litigation referred to above.

Each resident/lot owner may be assured that pursuant to the Ohio Revised Code that there will be no discrimination and each and every resident who remains in violation of the deed restrictions will be subject to litigation for back dues and/or lot violations for each and every violation that exists upon any lot in the

subdivisions commonly know as Chevington Woods. The Court of Common Pleas and the Small Claims court have been assured that litigation will continue to ensure equal treatment for all who remain in violation. If you have misplaced your copy of the Chevington Woods deed restrictions they are available at the CWCA web site as shown on the masthead of this newsletter.

The View from Here
by Will Snell, CWCA Secretary/
Legal Liaison to the Board of Trustees

One of the main reasons Jan and I chose our home in Chevington Woods when we were moving back to our home state of Ohio in 1990 were the deed restrictions. The real estate agent made sure we were aware of the deed restrictions and gave us a copy. After living in Connecticut for several years we realized how important deed restrictions were to maintain property values.

In the spring of 2003 when I reluctantly agreed to volunteer to be the Trustee of CWCA Area 11, I had no idea the fate that awaited me. Over the past twenty years of my residency in Chevington Woods and particularly the past seven years as a trustee, I have learned a lot about deed restrictions in the State of Ohio, particularly in Chevington Woods, and more importantly the ethos of the community I call home. My neighbors are good people and law abiding citizens.

I was raised in an Ohio farm home where my parents were active in the Grange, 4-H and church activities. I was raised to believe community service was a necessity - not a luxury for those who had nothing else to do.

Over the past seven years I have been physically threatened, sued personally for thousands of dollars and collectively as a Trustee and Secretary of the CWCA. However, I never wavered in my faith for this community. I am not an attorney but have worked in the field for almost 20 years now. I know the wheels of justice grind slowly but they also grind finely. The courts have ruled in regard to dues, applicable deed restrictions and the fiduciary responsibility of the CWCA to enforce the deed restrictions.

The legal precedent has been set for Chevington Woods to continue to be the best family oriented and property value protected community in Fairfield County. It is time for communication rather than confrontation. Let's give peace a chance.

YARD OF THE MONTH AWARDS

Congratulations to the Yard of the Month Award Winners
for
July and August 2010

July - North



Arthur & Mary Alexander 13892 Adena Place

July - South



Barbra Dennis 8524 Chevington Chase

August North



Tom & Linda Besser 8883 Indian Mound Road

August - South



Robert & Judith Hartsock 13417 Chevington Drive