

The Bryant Woodsmen



"The Voice of Bryant Woods"

MAY 20, 1980



COMMON AREA AND PATH IMPROVEMENTS:

As is readily visible the common areas and path improvements are nearing completion. Items remaining include final edging of paths and clean-up along them and seeding of some of the common areas in wild flowers. There has been some confusion as to the use of bicycles and skates on the paths. From their inception the paths have been intended for use by bikes and skates, however, no racing or excessive speed is allowed on the paths. Also, no motorized vehicles are allowed. The Board will be contacting the City and the school to see if crosswalks and crossing guards can be obtained for use where the path crosses Indian Creek Drive starting next fall. In previous conversations with the school, there has been some resistance to placing guards in this area. However, the Board will contact them again in hopes of changing their stance on this matter.

POOLS:

Work continues towards completion of the pools and the surrounding area. With final grading of the burms completed, the fence and decking are now being put into place. When this is complete the final work on the pools will be completed and the area will be ready for use. Work is still on schedule with completion slated for the end of May. The Board is planning to have an opening celebration and notice of this will be made as soon as an opening date can firmly be established. Pool rules have been only slightly revised for this year and are attached with this edition of the Newsletter. Entrance to the pool will be through use of a magnetic card system. Cards will be mailed to all homeowners who are current in their Association dues. Additional cards or replacement cards can be obtained at a cost of \$20. There has been a suggestion that an "adult only" swim time be established in the larger pool. The Board would like feedback from any homeowners who have thoughts either pro or con on this matter.

DUMPSTERS:

Because of the continued problem of use of the dumpsters by people from outside of the Bryant Woods area, the Board has decided to change the date of the arrival of the dumpsters to the second weekend in June. Dumpsters will arrive on Friday, June 6. Once again there will be two dumpsters. We are continuing to have a problem with the overflow of the dumpsters. Please crush all materials that are put into the dumpster, and when they are full, please refrain from using them.

AUTOMOBILE SAFETY:

The following is a letter from a homeowner on Centerwood.

"Well, it finally happened. Within the last few days, a child on a bike was hit by a car in this neighborhood. Although this time the child was not seriously injured, and it apparently was not the driver's fault, it's only a matter of time until there is a serious accident unless we change our driving habits. Many of us in this neighborhood are guilty of speeding down streets, around corners and through stop signs. Think about it and decide if you are one of those who might kill your neighbor's child."

JUNE BOARD MEETING:

The next meeting of the Board of Directors will be held at the home of Sue Grady at 7:30 on Tuesday, June 3. All interested homeowners are urged to attend.

For Newsletter items call: 620-4830

POOL RULES

The Bryant Woods Homeowners Association Board of Directors has adopted the following list of rules to control the use of our swimming pools. Over 150 families have access to the swimming pools. We want to make the best use of the pools that we have. The rules are as follows:

1. Children under the age of 14 must be accompanied by a responsible adult. An adult is defined as a person 21 years old or older.
2. Guests must be accompanied by an adult resident. Overnight house guests are excepted from this rule and shall be treated as residents.
3. No glass or breakable containers will be allowed in the pool area.
4. Running, rough housing, or horse play will not be allowed.
5. The pool opens at 10:00 a.m., closes at 10:00 p.m.
6. No animals will be allowed in the pool area.
7. Proper swimming attire is required for entering the pool.
8. No inflatables, except water wings, will be permitted in the large pool.

Perhaps a little explanation is necessary. Oregon Law requires that children under the age of 14 be accompanied by a supervisor when swimming in a "limited use pool." Considering insurance, liability, and actual supervision, the Board felt that the supervisor must be a 21-year-old adult. Also, we want to take care of all the residents who may want to use the pool, and then allow for guests. Therefore, the Board felt that one way of controlling the number of guests who use the pool would be to require that they be accompanied by an adult resident. The pool closes at 10:00 p.m. as a courtesy to those residents who live in close proximity to the pool. The proper swimming attire is required because strings from cutoffs or other make-shift suits clog the pump. Inflatables are prohibited in the large pool. There may not be enough room for all the swimmers, let alone air mattresses, innertubes, and beach balls.

The pool rules are simple but they are necessary. Violators will be first reminded of the rules. If the problems persist, our pool superintendent is instructed to pull the offender's pool card and then have the Swimming Pool Committee take necessary action.

The Swimming Pool Committee works very hard each summer to insure that the pools are a clean and pleasant place for your family to visit. If you would like to assist them in their effort or have comments or suggestions that would improve our pool area, please contact the Board of Directors through any Board Member.

Thank you.



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LAWSUIT SETTLED

Our two and one-half year battle with SIMCO, the original developer of Bryant Woods, has finally ended. A negotiated settlement of \$225,000.00 was unanimously approved by the Bryant Woods Homeowners Association Board of Directors. This newsletter is directed at explaining what the settlement means and why the Board accepted it.

When the jury returned its verdict two months ago, our attorneys told us that the large verdict would mean an almost certain appeal. The trial lasted nine days and the defendants would look for any possible technical mistakes which could be cited in an appeal. This last Thursday's Lake Oswego Review briefly discussed the form of the jury verdict. It incorrectly quoted the acting city attorney, John Anicker, as saying this technicality had invalidated the verdict. That simply was not the case. Whether or not the judge made a technical mistake in accepting the verdict ballot from the jurors was a judgement that would have been left to the appellate court. Our attorneys were not convinced that the judge had made a mistake. Nevertheless, the point is, that SIMCO would have looked for any and all possible irregularities to use in the appeal process. We won big and one result of winning big is an almost automatic appeal.

In Oregon, the appeal process takes approximately two years. It takes over six months to develop the verbatim written transcript of the entire trial. If the appellate court concludes that the judge did make a serious technical mistake, the entire case could be remanded back for a new trial. We waited eighteen months for this trial date after we first filed our lawsuit. Therefore, the appeal process and the possibility of a new trial could have meant an additional three and one-half years before the problem was solved. Aside from the fact that legal fees would continue to mount without the benefit of a settlement to pay them, it also meant that the residents of Bryant Woods would be denied the use of the facilities the common area improvements will provide. SIMCO was not only aware of the legal costs of the appeal process, but was now painfully aware of the mood of juries toward delinquent developers. Therefore, both parties had an interest in arriving at a negotiated settlement.

When the Board of Directors elected to hire an attorney and pursue legal recourse for common area completion, we established a single objective. We wanted to obtain the funds to complete the common areas as they were originally envisioned and to adequately compensate our attorneys. We entered the negotiation process still employing that single objective. Cost estimates to complete the common areas, including rebuilding the park area and replacing the swimming pool, ranged from \$150,000 to \$175,000. The settlement finally agreed to gives the Homeowners Association \$170,000 and the attorneys \$55,000. When you consider that SIMCO had initially offered the Homeowners Association \$5,000 to with as we saw fit; then later, after we filed the lawsuit, offered us \$25,000; and then on the opening day of the trial offered us \$50,000 to settle, we came a long way.

The City of Lake Oswego was a co-plaintive with the Homeowners Association in the case against SIMCO. As a result, they also participated in the settlement and the form of the settlement was approved by the Lake Oswego City Council. That, coupled with the fact that the settlement required twenty-two signatures before it was complete, meant that it took five weeks for the mechanics of the settlement to be completed after it had been initially agreed to. One of the stipulations of the settlement was that the funds be immediately deposited in a high interest account while the mechanics of the settlement worked themselves out. During the five weeks that the documents were being signed and approved by the various parties, the interest on our portion of the settlement alone was \$1,512.00. The money remains in a high interest account and will continue to work for us throughout the summer until it is spent.

In a nutshell, the settlement provides for the following:

- The Bryant Woods Homeowners Association will have sole responsibility for completing the common area development.
- The common area development will follow the concept of the original landscape plan.
- There will be paved pathways throughout the common areas which will be the functional equivalent of sidewalks. The documentation presented at the trial made it very clear that sidewalks were deleted from the sides of streets because the pathway system would be the functional equivalent of sidewalks.
- The park area will be re-done. A tot lot will be installed for the children.
- The swimming pool will either be replaced or added to.

The Association is required to use all the funds obtained from the settlement for the completion of the common areas. The city cannot require the Association to perform additional work that would require funds beyond those provided for in the settlement.

So what happens next? The Board of Directors listened to presentations by two landscape architect firms. The Board selected the firm of Thompson and O'Doherty. They will produce some preliminary plans. In about three weeks we will have a general membership meeting and the landscape architects will present their preliminary plans. They will also seek suggestions from the general membership on how the common areas should be completed. A final set of plans will be drawn up, a general contractor will be selected, sub-contracts signed for the different phases of work, and construction will start. Hopefully by fall, the work will be completed. The landscape architects will not only be responsible for the design, but will also be responsible for the supervision and installation of the work.

Our existing swimming pool will probably be in place for a couple of months. The pool will officially open this week-end and a copy of the pool rules are attached to this newsletter. If you do not have a key for the pool, please see Marilyn Schulz at 18381 Woodthrush Way.

A year and a half ago we had the very good fortune of selecting Paul Meyer and Dan Seifer as our attorneys. Those of you who had the opportunity to attend the trial couldn't help but be impressed with the excellent job they did in representing our cause. Their hard work, coupled with that of others within the Association, will provide us with an exciting summer. The Board of Directors welcomes your thoughts and assistance in the task that lies ahead. The Board of Directors meets the first Tuesday of every month at the home of one of the directors. The next meeting will be Tuesday, June 5, at Linda and Bing DeBuhr's, 18610 Indian Creek Drive, at 7:30 PM. As always, everyone is welcome.

POOL RULES

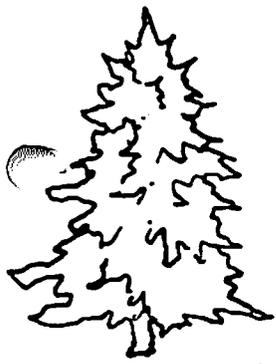
The Bryant Woods Homeowners Association Board of Directors has adopted the following list of rules to control the use of our swimming pool. Currently, over 100 families have access to the swimming pool. Our pool is small and was obviously not designed to handle such a large group. However, we want to make the best use of the pool that we have. The rules are as follows:

1. Children under the age of 14 must be accompanied by a responsible adult. An adult is defined as a person 21 years or older.
2. Guests must be accompanied by an adult resident. Overnight house guests are excepted from this rule and shall be treated as residents.
3. No glass or breakable containers will be allowed in the pool area.
4. Running, rough housing, or horse play will not be allowed.
5. The pool closes at 10:00 p.m.
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Perhaps a little explanation is necessary. Oregon Law requires that children under the age of 14 be accompanied by a supervisor when swimming in a "limited use pool". Considering insurance, liability, and actual supervision, the board felt that the supervisor must be a 21 year old adult. Because our pool is so small, we don't have room to take care of all the residents who may want to use the pool, let alone guests. Therefore, the board felt that one way of controlling the number of guests who use the pool would be to require that they be accompanied by an adult resident. The pool closes at 10:00 p.m. as a courtesy to those residents who live in close proximity to the pool. The proper swimming attire is required because strings from cutoffs or other make-shift suits clog the pump. Inflatables are prohibited because of the size of the pool. There is not enough room for all the swimmers let alone air mattresses, innertubes, and beach balls.

The pool rules are simple but they are necessary. Violators will be first reminded of the rules. If the problems persist, our pool superintendent is instructed to pull the offender's pool key and then have the swimming pool committee take necessary action.

The swimming pool committee will be working very hard to insure that the pool is a clean and pleasant place for your family to visit. If you would like to assist them in their effort or have comments or suggestions that would improve our pool area, please contact the Board of Directors.



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JULY 2, 1980

WORK PARTY A SUCCESS: If you drove by the parking lot and saw the mountain of trash recently, you saw the most visible evidence of our neighborhood cleanup. Over 25 families contributed more than 100 manhours to get our common areas ready for summer. Bing Debuhr deserves a big THANK YOU for organizing the event.

POOL POLICIES: Everyone was given a copy of the Pool Rules when they signed for their key. One area of the rules continues to cause problems; the requirement that children under 14 be accompanied by an adult 21 years old or older. This is a State Law and we must comply with it to retain our pool license. If we elect to ignore it, a pool inspector can close our pool and pull our license. The inspector has specifically warned us that he will do just that. This means that if your children are under the age of 14 you cannot send them down to the pool with a 17 year old babysitter. They must be accompanied by an adult 21 years old or older. Additionally, our insurance policy requires us to comply State and County requirements. To better keep track of who is responsible for who, a sign in procedure has been adopted. Each party will be required to sign in at the gate before entering the pool. We do not have a lifeguard or pool monitor. Either approach is very expensive. We have chosen instead to have a minimum of rules and asked the membership to self-enforce them. To ignore the rules could mean the closure of the pool or nonpayment of insurance in the event of an accident. Your complete cooperation is necessary. Thanks.

FREE BEER: The Pool Opening Party was enjoyed by all who attended. Thanks, to the ladies who worked hard to organize it. The cool weather slowed down the beer drinkers and we have a keg left over. It has been held in cold storage and will set up down at the pool area on Sunday July 5th. Soft drinks will also be available. Picnic lunches and barbecues are welcome.

HOMEOWNERS PACKET: The recently delivered book contains everything you want to know about Bryant Woods. The packet along with the adoption of the new and updated documents has been the project of Doug Lindsey. It has been a giant task and his efforts are obvious and appreciated. The map used in the packet was adapted from the landscape plans when our trail system was being built. As a result, some areas which are within Bryant Woods were left out. To our neighbors on Deerbrush and Centerwood who aren't on the drawing- please don't feel left out, we know you belong.

GARBAGE PICKUPS: The remaining special curbside pickups are: July 6th, Sept 14th, and November 2nd.