

Dear Knebler Neighbors:

We are having our Annual L.A. Knebler Addition Homeowners Association Meeting on October 30, 2018 at 6:30 P.M. at the First United Methodist Church of Augusta, 2420 Ohio Street, Augusta, Kansas. Please plan to attend this important meeting.

Several of you have asked for an update on the lawsuit filed against the L.A. Knebler Addition Homeowners Association. To give a little history of how our organization began, let's go back to the year 2000. Tubby Knebler had requested help with the maintenance of the lake and mowing in the neighborhood. Tommy Palmer called a meeting and informed those in attendance of Mr. Knebler's request and an informal Knebler homeowners association was formed. Tommy Palmer was Chairman, Barbara Patterson, Secretary and Shirley Baugher, Treasurer. A group of neighbors volunteered to help. The first year, many helped with the mowing until the weather turned hot and it was then decided to hire an outside mowing group to do this work. In order to pay for this, it was decided to charge each homeowner \$100 year to help with the cost. Most agreed and paid .

A few short years later, Stone Lakes Addition was being developed and they increased the size of the lake, which created a problem with algae. It was then decided to begin treating our lake as needed and the dues were raised to \$150 for most and \$200 for those living on the lake. Again, most all paid.

Each year, Tommy Palmer would send out a notice of payments due and a majority of the residents would pay. After several years of faithfully serving as Chairman , Tommy asked to be relieved of this duty and new neighbors took on the job of President, Secretary and Treasurer. There had been Covenants and Restrictions covering the Knebler Addition since September 23, 1988, when Mr. Knebler developed the area. These covenants were in need of being revised, particularly in the areas of roofs and fences. The new committee called a meeting of the Knebler residents, which was held on July 9, 2015. After discussion regarding the need for modifications to the existing Covenants, a majority of those in attendance voted in favor of creating a formal Homeowners Association. The dues the first year would be \$150.00 per residence. The paperwork was prepared , with a majority of the residents signing, and was filed and recorded with the State of Kansas, County of Butler on November 18, 2015.

After Mr. Knebler's death and his wife, Linda's decision to move from the neighborhood, she had offered to deed the lake/common areas to the Knebler residents. This was an additional reason for formalizing a Homeowners Association. A formal entity was needed in order to hold title to the common areas for all residents. The informal association started by Mr. Palmer years ago was not a legal entity capable of holding title to property.

Dues notices were sent to all residents in March, 2016 and all paid, with the exception of Tommy and Peggy Palmer, Kolene Luper, Craig Critchfield and Norbert and Shirley Suther. The Suther's dues were later paid by another resident.

In October, 2016, The Palmers, Kolene Luper, and the Suthers , filed suit against the Knebler Homeowners Association.

Part of their objection was that the signatures did not match the deeds on the properties (for example the landowners themselves versus their living trust had signed) and improper Notary signatures (the board treasurer had provided notary services as a convenience to those signing). Also, they objected to liens filed against their properties, when actually no liens had been filed. They also asked to have the Quit Claim Deed in favor of the L.A.Knebler Addition Homeowners Association set aside.

This case finally came to a hearing on March 6, 2018. The Court found the signatures and the Notary signatures were invalid. Due to that decision, the Court also ruled all liens (even though none had been filed) were improper and had to be removed. Additionally, the Court ruled not to set aside the subject Quit Claim Deed and the deed would remain in the name of the L.A. Knebler Addition Homeowners Association.

Proper signatures and notary signatures were then obtained on the properties within the L.A. Knebler Addition and a majority of the landowners signed a Second Amendment to the Protective Covenants and Restrictions covering L.A. Knebler Addition in Butler County, Kansas. This second amendment was filed and recorded with the Butler County Register of Deeds office on March 28, 2018.

Article III, of the Second Amendment addresses the assessment charges. It is summarized as follows:

1. All Lots shall be subject to annual assessment charges to be paid by the Owners thereof to the Association, in advance, on or before the 31st day of March, in each year.
2. Each year, the Board shall, prior to January 1, determine the total amount to be raised by the annual assessment charges for the next year. Each lot shall be assessed an equal amount by the Association.
3. The assessment fund shall be used for the following purposes – planting trees and shrubbery and care thereof; for expenses incidental to maintenance of the Common Area, for removing grass or weeds; for street lights and street signs; for purchase of insurance, for expenses incidental to the enforcement of these protective covenants and restrictions.
4. All assessment charges of the Association that remain due and unpaid thirty (30) days after such charges are due shall thereafter be subject to interest at the rate of six percent (6%) over prime per annum or at such other rate as may be established from time to time by the Board.
5. The annual assessment charges of the Association shall be a lien and encumbrance on the Lot with respect to which said charge is made, as well as the personal obligation of the Lot's Owner or Owners.

The above will be strictly enforced in 2019.

It is the Board's hope that you will plan to attend this Annual meeting. If you have questions or concerns, they will be discussed at that time. If you have an interest in serving on the Board, please let us know.