



### Area Landmarks – by Mary Jo Nosse

When you turn right at the Rt. 2 and Bacon Rd exit and head east on Route 20, there's a building that has seen a few different tenants over the past few years. I happened to come across a postcard of that building from the earlier golden days of Painesville Township.

The Hickory Drive-In Restaurant featured in this 1950s postcard featured hickory-smoked ham and bacon as well as Dairy Queen products.

Source for information: VintagePostcards.org, Lake County Auditor



HICKORY DRIVE-IN RESTAURANT, 1 MILE EAST OF PAINESVILLE, OHIO ON U.S. ROUTE 20

As it sits today:



### Chuck Hillier - Volunteer Trustee

We held our annual meeting on Wednesday March 28th and it was well attended. For the first time in the last three years we were able to achieve quorum on the first try. YAHEWWW!!!! In total we received 278 signed proxies exceeding the requirement of 246 by a comfortable margin. The last days leading up to the meeting we were going door to door soliciting signatures and although it took some time out of my

schedule, I did enjoy meeting and seeing so many of you. Thank you for being so kind; I know how it is when someone unexpectedly knocks on my door, the first thought is often “what are they selling” but so many of you were very kind, Thank You!

The meeting was quiet but that’s expected as things are running pretty smoothly. We reviewed finances and answered questions but initially we had our committee reports and few rounds of applause for the hard work the committees have taken on. As a board, we really appreciate the hard work so many of you do for us, such as Paula Haumesser and the tireless work she does with the Easter Egg Hunt and rounding up volunteers for different events during the course of the year. Joe & Jane Zaghni are crowd favorites as well with their work spearheading the Corn Hole Tournament and Adult Party. A lot of folks give of their time and we all appreciate it! Dawn Linch spoke of the 2nd Annual LES 5K event to raise money for cancer research. There is so much good stuff happening in our development but we are only limited by our own time and efforts. Please jump in and get involved.

Speaking of getting involved, Jim Sorenson could use your help by submitting articles for this Newsletter. Do you have something that interests you that you can share with us? Tell us about it! Is there a local attraction you think your neighbors might like to visit? Tell us about it! If there worthwhile event you would like to publicize? Tell us about it! WE need articles for our monthly newsletter, please take the time and share your talents.

Randy VanBuren, Chairman of the Finance Committee spoke of the good work his committee did this past year reviewing finances and providing an oversight, or second set of eyes to the trustees. I’ve worked closely with Randy and the committee since I’ve been involved and I surely appreciate their hard work. One thing Randy did speak of is that we could use more help on the committee. If you’re interested please let us know by sending the board an email via the contact form at <http://www.lakeerieshores.com/contactUs.aspx>. An extra set of eyes and set of opinions is appreciated. It only makes us stronger.

Several real good suggestions came forward at the meeting that we are taking for action. Two in particular involve installing a basketball hoop in the parking lot of Pebble Beach Park. Paul Harris suggested it and is currently running with the idea trying to find the best overall deal for us. Another suggestion was brought forward by both Doug Smith and Jason Puffenbarger to move some of the big rocks at the beach to help trap more sand and remove that deep spot at the base of the steps. We are actively working on both issues and hope to have more to report next month.

A question was asked if we are planning on constructing a sidewalk to connect Pebble Beach Cove and Tradewinds Cove. Ultimately, yes we are but currently the next sidewalk we plan on constructing is the one to connect Tradewinds Cove to Nautica. We have families over there and their only way to the park and amenities of the development is along Lake Road so we want to keep them safe and away from traffic. Last year we budgeted \$4,000 towards this project and this year we are setting aside another \$4,000. If things go well there's a possibility we could do it this year, if not then barring any unforeseen issues it appears we will do it next year.

February expenses totaled \$9,386.71 which included a deposit to our reserve account of \$984.50. Our biggest expenses for the month included a \$5,400 legal bill (liens on properties) and we paid \$752.06 in real estate taxes. The first two months have brought in \$65,364.95 which equates to 43% of total billed maintenance fees. We are on pace with what we've had over the past few years, speaking of which we've averaged about 92% payment of maintenance fees. Actually this past year we budgeted \$152,520 but actually received in \$153,883.20 which included 2011 maintenance fees (~92% paid) along with lien/legal fees and late fees from prior years. I know I'm throwing a lot of numbers at you so if you have any specific questions please let me know.

Thank you for reading this and if you have any questions please don't hesitate to contact me at home (926 Pebble Beach Cove – 350-1640) or via email at avcmchi@sbcglobal.net. This is your Homeowners Association, your neighborhood get involved and make it better!

*Always demanding the best of oneself, living with honor, devoting one's talents and gifts to the benefits of others - these are the measures of success that endure when material things have passed away. ~Gerald R. Ford*

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### **Easter Egg Hunt Thank You – by Jim Sorenson**

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Thanks to all of the volunteers that helped with the Easter Egg Hunt this year. About 23 minutes after the alarm sounded, all of the eggs were found, all of the gifts were handed out, and we were the last non-volunteering family left in the play area.

I know that this event takes more than 23 minutes to put together, so once again, thank you.

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### **DEED You Know**

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Section 7 – Storage of Vehicles and Machinery: No truck (except a two-axle truck with no more than four tires), camper, camper trailer, recreation vehicle, boat trailer, all-terrain vehicle, airplane, snowmobile, commercial vehicle, van, mobile home, tractor, bus, farm equipment, off-road vehicles,

motorcycle, or other vehicle of any kind, licensed or unlicensed, shall be stored on any driveway or other area in or upon the Property for more than seven (7) days, except in the confines of garages, or parking areas approved by the Master Association.

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### **CONSIDER A LIMITED FIVE-YEAR PROXY TO EASE ANNUAL ELECTION QUORUM CHALLENGE – By David W. Kaman, Esq.**

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Most associations send out a proxy request year after year. The proxy request is often on a pre-stamped postcard or includes a stamped, self-addressed return envelope. Soliciting proxies is necessary because the Bylaws (or Code of Regulations) of an association generally requires that a quorum of owners be present in person or by proxy to hold a valid and legal annual election meeting. For many associations, the quorum requirement is a majority of the owners, meaning more than one-half of the ownership. Without a quorum, there can be no election. Mailing proxy solicitations is not only time-consuming, but, with rising postal rates, has become increasingly expensive.

To combat rising costs, several associations have recently instituted a great time and cost saving measure by requesting that owners execute and submit a limited five (5) year proxy. Under Ohio law, a proxy is valid for eleven (11) months from the date it is executed UNLESS the proxy specifies a different date on which it expires or the length of time it is to continue in force. A properly drafted proxy could be used for two, three, five or even ten years. Although some owners may fear misuse of such a long term proxy, specifically drafting a "Limited" proxy that may be used ONLY for purposes of obtaining a quorum and electing directors eliminates this fear. More importantly, the proxy specifically indicates that if an owner attends a meeting, the proxy is invalid for that meeting and the owner gets to vote. You can find a sample of a 5-year limited proxy and solicitation letter to the owners at the end of the article.

#### **PROPER PROXY REQUIREMENTS**

Using improper proxies to achieve a quorum or to swing the results of an election may lead to more problems than not obtaining a quorum in the first place. Whether a board decides to solicit a proxy annually or every five years, DO NOT risk having the annual election meeting contested due to a bad proxy. Ohio Revised Code Section 1701.48 generally controls the legal aspects of a proxy. An association must pay strict attention to the provisions of this law in order to have proper proxies.

The initial requirement under Ohio law is that the owner must appoint his/her choice of a proxy in writing. Showing up and verbally indicating "I have my neighbor's proxy" is not sufficient. In addition, the owner of the unit, (not a live-in friend or tenant,) must sign the proxy. Finally, the proxy must be dated and must clearly designate who is receiving the proxy authority in the owner's absence.

Here are 10 Frequently Asked Questions (FAQs) regarding proxies and their use. The answers will hopefully help to avoid challenges at your association. Please feel free to incorporate

this information into your association's newsletter to also help owners better understand proxies.

#### 10 PROXY FAQs

1. What is a "proxy"? The term "proxy" is used to describe either the person who is appointed to represent another, or the written authorization used to reflect the appointment.

2. How long does a proxy last? Pursuant to Ohio Revised Code Section 1701.48(C), a proxy may be valid up to eleven (11) months after appointment unless the proxy specifies a different date on which it expires or the length of time it is to continue in force.

3. What if an owner signs more than one proxy? If an owner signs two (2) separate proxies, only the later dated proxy is deemed valid, in accordance with Ohio Revised Code Section 1701.48(F)(2).

4. Why do we use proxies and what difference does it make if I don't send in my proxy? Recognizing that not everyone is available to attend a scheduled meeting, the vast majority of associations provide for the use of proxies so that owners may still have a "voice" even if they are absent from the meeting.

In addition to providing a "representative" so that an owner may still vote even if he/she cannot attend an association meeting, a proxy is counted for establishing the quorum necessary to have an official meeting. If an association fails to meet the quorum requirement, the meeting would have to be rescheduled, which could cost the association hundreds of dollars or more to send out new notices. Plus, the association may still have to pay room rental charges, the management company, and/or any professionals (e.g. attorney and accountant) for their time in attending a second meeting.

5. Why do I need to send in my proxy if I know I will be at the annual meeting? Because of the quorum requirement, the board solicits proxies as a form of "insurance" that an actual meeting will be held. An owner can always revoke his/her proxy if he/she attends the meeting in person.

6. Whom do I choose to assign my proxy if I cannot personally attend the meeting? Although it would be great if every owner could attend an annual election meeting in person, this is not always possible. Fortunately, owners may appoint anyone to act as their proxy. The person appointed as proxy does NOT need to be a member of the association. That means an owner may choose a neighbor, tenant, or even someone who is not otherwise affiliated with the association. Most proxies give an owner the option of filling in a name on the proxy or, if left blank, appoint the board or board president as proxy.

7. What if the person I appoint as proxy cannot attend the meeting? Pursuant to Ohio Revised Code Section 1701.48(E), every proxy granted also carries with it the power of substitution. In order for the proxy to be replaced by another substitute, the person originally appointed as proxy must name a substitute in a signed and dated writing.

8. Is it proper for the board to solicit and/or vote proxies? Again, depending on the quorum requirement, it may not only be proper but also necessary for the board to solicit proxies to ensure that an official meeting may be held. As explained above, owners may choose anyone as their proxy, but many owners, who are happy with how the board is running the association, designate either the board or the board president to vote on their behalf. There is nothing improper with a board's solicitation of proxies.

9. Can a board reduce or eliminate the quorum requirement? A board itself cannot alter the quorum requirement found in an association's Bylaws or Code of Regulations. Instead, a written amendment to the governing documents, approved by the required percentage of all owners and thereafter recorded with the county, is necessary to reduce the quorum to a lower percentage. Several associations have amended the quorum requirement down to just "those present in person or by proxy." This type of amendment would effectively eliminate the need for significant proxy solicitation.

10. Instead of proxies, may an association use mail-in ballots for its annual election? Generally, no. A board itself cannot alter the election procedures found in an association's Bylaws or Code of Regulations. Unlike many other states, especially Florida, most Ohio election procedures require nominations and voting AT a meeting. A written amendment to the governing documents, approved by the required percentage of all owners and thereafter recorded with the county, is necessary to alter the election procedure to permit nominations sixty (60) days in advance of the meeting. The amendment would also include specific procedures for the mail-in ballot process.

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### Contact Information



Lake Erie Shores Web Site

[www.LakeErieShores.com](http://www.LakeErieShores.com)

#### Home Owners Association Committees

Welcoming Committee ([welcome@lakeeriesthores.net](mailto:welcome@lakeeriesthores.net))

Covenants/Restrictions Committee Chair – Bruce Buffie ([buffie723@att.net](mailto:buffie723@att.net))

Financial Committee Chair - Randy Van Buren ([rcvanburen@sbcglobal.net](mailto:rcvanburen@sbcglobal.net))

Landscaping & Beautification Committee - Dave Spall  
([davidspall@sbcglobal.net](mailto:davidspall@sbcglobal.net))

Recreation Committee Co-Chairs - Jonathon Adkins  
([jonsuzannaadkins@sbcglobal.net](mailto:jonsuzannaadkins@sbcglobal.net)) and Cory Wertch

Volunteer Coordinator - Paula Haumesser ([paulahaumesser@sbcglobal.net](mailto:paulahaumesser@sbcglobal.net))

Newsletter Committee Chair – Jim Sorenson ([newsletter@lakeeriesthores.net](mailto:newsletter@lakeeriesthores.net))

#### Board of Trustees

John Guinan

[alishenry@aol.com](mailto:alishenry@aol.com)

1575 Clipper Cove

440-358-1424

Chuck Hillier

[avcmcchi@sbcglobal.net](mailto:avcmcchi@sbcglobal.net)

926 Pebble Beach Cove

440-350-1640

David Spall

[davidspall@sbcglobal.net](mailto:davidspall@sbcglobal.net)

1534 Clipper Cove

440-637-4559

#### Lake Erie Shores Management Company

First Realty Property Management, Ltd.

6690 Beta Drive, Suite 220

Mayfield Village, Ohio 44143

440-720-0100 (office)

440-720-0973 (FAX)

LES Property Manager is Bob Guarino

[rguarino@firstrealtypm.com](mailto:rguarino@firstrealtypm.com)

## Sample

Dear Owners:

The Board seeks your signature on the enclosed LIMITED proxy.

In order to conduct a valid and legal annual election meeting, our governing documents require that a majority of the owners be present “in person or by proxy.”

We hope that all owners will attend the Association’s annual election meeting. However, we fully recognize the tremendous time demands on many of our owners. Historically, work, family, and other leisure time options have resulted in a low turn-out of owners for the Association meeting. The adjournment and rescheduling of an annual election meeting results in significant costs to the Association in that many items may be paid for twice. In the event a quorum is not achieved, notice of the meeting must be re-mailed, the meeting room re-reserved, the guest speakers re-booked, and the meeting materials re-copied.

To avoid not obtaining a quorum at future meetings, the Board is requesting that you sign and return the enclosed LIMITED proxy. It is important to note that the proxy is LIMITED in that it may only be used to establish a quorum and elect directors. The proxy may NOT be legally used for any other purpose. Please also note, due to increased postal rates, that this proxy is valid for five (5) years but may be revoked at any time by the owner in writing or by attendance at the annual election meeting.

Please fill out the enclosed LIMITED proxy and return it in the stamped envelope enclosed. Even though you might be planning to attend a meeting, by having a proxy on file, it will enable the Association to conduct a meeting even if something comes up at the last minute to prevent you from attending.

Thank you for your cooperation.

Sincerely yours,

Good Owner's Condominium Association, Inc.

Board of Directors

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**SAMPLE**

LIMITED PROXY

The undersigned, being the owner(s) of unit \_\_\_\_\_  
 \_\_\_\_\_(insert address), and member(s) in good  
 standing of the Good Owner's Association, Inc., do under provisions of the duly recorded legal  
 instruments governing this Association, hereby appoint and  
 authorize: \_\_\_\_\_

\_\_\_\_\_ (indicate name) or, if left blank, the Board  
 President, to be my/our Proxy, with the power of substitution, to represent me/us at the Annual  
 Election Meetings of the Good Owner's Association, Inc., or any adjournment thereof. This Proxy  
 carries with it the LIMITED right for the Proxy holder to count towards a quorum and to vote for the  
 election of Directors ONLY, on my/our behalf as the Proxy holder deems proper. Said vote of the  
 Proxy holder shall be binding upon me/us as if I/we had voted myself/ourselves and shall remain in  
 full force and effect for five (5) years from the date of execution of this Proxy. Should I/we attend and  
 sign-in at Annual Election Meeting, this proxy is revoked for that meeting.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 OWNER(S) SIGNATURE (If co-owned, both owners should sign. If only one signs, he/she states that  
 he/she represents the entire vote of the unit.)