

January 17, 2018 Status:

Darrell Davis stated in his letter from January, 2016 that there is a question of whether or not Enchanted Valley Ranch, Inc. has a legal homeowners association. Annette Caudle's lawyer, Efrain Molina, and the attorney representing the EVR's officers' and directors' liability insurance company, have the same question.

Since Linda Hanson, Don Crandall & Mitzi Pederson obtained the opinion letter from Darrell Davis and introduced it at the 2016 member rallies they organized, this concern has not been addressed or acted on.

As of today, the facts are:

- Recorded documents have been found that Enchanted Valley Ranch, Inc. is a registered Texas nonprofit corporation. Records show that the Enchanted Valley Ranch, Inc. Articles of Incorporation were amended twice in 2017 by Linda Hanson.

No record has been found where those amendments were approved by a consensus of the board of directors or a quorum of members in an open meeting.

- No recorded documents have been found where Enchanted Valley Ranch, Inc. ever created a valid homeowners association (HOA).

Research continues.

This is a legitimate concern for all of us. It's important to everybody that this question be answered and that the Board follows the rules and the guidelines to protect all the members and their properties.

The current legal matter is about looking out for the future of this community, the property values of everyone's property and protecting the rights of owners.

What needs to be done next?

Facts from a legal standpoint: The lawyers have to determine how to get a HOA up or back up, get it where it should be, and get new covenants to clean everything up, to amend Mr. Martin's original covenants and the last recorded amendment to them.

If the lawyers agree that's what the law is and that's what has to be done, the owners will either:

1. Have to agree to amend the covenants to get them up to date
2. Create one, if the final determination is that no homeowners association exists, or
3. The HOA for this subdivision just disappears. (If that's the case, we, as owners, will be faced with many other decisions to make.)

From a neighborhood standpoint:

We will all need to work at this together to get back on track.

In 2015, the RMWBH law firm directed that the officers of the board are responsible for conducting the affairs of Enchanted Valley Ranch, Inc. as a business to protect all our investments all 12 months of the year.

Mr. Molina's opinion is that during this 60-day period, the current officers are still responsible to carry out their duties, to pay bills, keep the common property maintained, etc. What they cannot do is take any actions that require a vote of the board or owner members.

The fact is that Annette Candle had nothing to do with the shut down of Enchanted facilities and functions, nor did she request it. She only asked for no board or member meetings until the Court ruled about the members' rights to vote by proxy.

Annette contacted her lawyer last week telling him about the hardship the shutdown of the facilities here is having on our community. Mr. Molina has contacted the defense lawyers and requested they agree to a few exceptions to the court order so the park can have its activities back. In order to reopen activities, Gary Lamp & Don Crandall, (both current officers) and Linda Hanson will have to agree to the terms of the agreement.

It is our prerogative as owners of property in this subdivision to contact any of the current board members and express your view, just like you are entitled and encouraged to contact elected representatives and senators in government offices.

This website will be maintained by a group of concerned owners for the sole purpose of presenting up-to-date facts about the state of affairs of Enchanted Valley Ranch, Inc. and this subdivision. This is not an opinion website.

If you have information that you would like shared on this website, please submit it along with all supporting documents by email to: concerned@evowners.com. You will receive a reply when your email is reviewed.