

1) Cedar Lane does NOT have the uniform community property development distribution as would be characteristic of a traditional HOA. There are 3 distinctly different property usage situations:

1) Year-round cottage owner (which is most of the residents – 18 I believe), **2) Seasonal cottage owner** (which I believe includes 3 residents), and **3) Homestead residents** (of which I believe there are also 3).

2) The “one size fits all” Tonnadoonah dues structure is simple and seems fair on the surface, but it does not consider the disparities inherent to the three different traditional usage categories. *In my opinion, it should.* Why? Because the current dues structure clearly favors the few homestead residents at the expense of the equally few seasonal cottage residents. (It also favors larger cottages vs smaller ones.) The amount of money for any given year may be relatively small, but it adds up over time, as does the basic principle of fairness. There are certainly a lot of different usage rates among all of the year-round cottage owners, but the disparity between the seasonal cottage owners and homesteaders is far more pronounced, and could be addressed with a tiered dues system (*and should be in my opinion*).

3) There is no contractual basis for the HOA. Tonnadoonah’s HOA is not tied to property deeds as would be common for more modern developed communities, and no one has ever signed binding contracts to participate. There is certainly a quid-pro-quo basis for paying for services rendered. Beyond that, there is no legal basis to require anyone to be an association member. Relinquishing of voting rights would be the primary means of leverage the group can employ. (Social pressure is also a means.)

The other method for leverage outlined in the bylaws would be the use of property liens. Per legal analysis I have received (from Kuhn Rogers of T.C.), that would be legal only for services actually rendered that go unpaid for, but would not be legal for services that are not appropriately rendered, if payment is still demanded. (For seasonal residents, requiring payment for the plowing service falls into that category, as would some portion of the dumpster service annual cost. For myself, the entire portion of the annual dues fee that goes towards rubbish collection now falls into that category.)

4) The Tonnadoonah HOA provides 5 primary services: 1) road maintenance; 2) snow plowing; 3) trash removal; and 4) Tree / brush disposal; 5) administration of the other 4 services.

(Brush removal is now based on chipping conducted on Conservancy property. It appears that grass clippings and leaves are also often disposed of there as well.)

5) In reality, one service currently creates more than half of the community’s overall annual cost – the dumpster service. However, that service is actually a combination of two separate but related things:

1) weekly trash removal, and 2) what would normally be a pay-per-usage large-item disposal service.

The dumpster service (*in my opinion*) provides significantly more value to “larger users” and for that reason I believe that the fee for this service would best be differentiated within the Cedar Lane community, and/or use of this service could simply be made optional. Dumpster service has also been extended to other area homestead residents that don’t live on Cedar Lane or Mallard Cove. The rate being charged closely equals the current annual cost for weekly WM trash service (for a single 96 gallon garbage bin), which effectively provides free large item dumpster service. It appears that the large item disposal has caught on and that “free dumpster service” is likely being used by others who don’t pay but who have become aware of the dumpsters. How much this occurs is difficult to say, but it appears there is often a seasonal capacity issue even for the two large (8 yard) dumpsters currently provided.