Dear Neighbor,

By now you have received the proposed indentures that were created by high-paid lawyers with your HOA fees. This is an attempt to "put teeth" (David Hall's words) into one neighbor for teaching little girls to pitch in their backyard. Our HOA is trying to create for themselves unfettered powers. We have had multiple lawyers come forward and volunteer to dissect these indentures and tell us what they actually mean for us, the neighborhood. The points below are what the lawyers find concerning and very dangerous for our neighborhood. They, along with real estate agents who have also caught wind of these proposed indentures, have advised us that we are giving away our property rights and the value of our homes could decrease because buyers will not want to move into this neighborhood with such restrictive indentures and such a power-hungry HOA.

Please review the proposed indentures provided by the HOA alongside the bullet points provided by our pro bono lawyers to see for yourself. According to the multiple attorneys that have reviewed these indentures, the HOA is seeking a tyrannical governance with a "Putin-esque," fascistic, three-person central rule.

Sound like exaggeration? Judge for yourself:

Article I: (Dissolving of proper representation)

- There is no reason to alter existing representation of one trustee from each plat. This allows for potential abuse by a select three trustees. Dissolving the representation of plats creates centralized power and does not allow for all neighbors to be equally represented.

  i.e., Mother Nature event affects only one side of the creek negatively and there needs to be resolution. If there is not a trustee to represent these adjoining neighbors, this creates a situation of potential neglect of said catastrophe. Balanced plat representation is necessary.

- Discriminating against a potential person of good intent and good conscience because of a perceived possible violation that has not been proven is unfair and sets a bad precedent for a good and humble neighbor to volunteer for public service.

  i.e., No clear definition of "determined to be in violation" has been given and allows for abuse and leaves it up to a vote of three (3) trustees. This opens the door to indiscriminate fines, penalties, and attorney fees without any judicial hearing or day in court.

Article III: (New Section 13 is added to "put teeth" in a neighbor for a perceived violation)

- This is VERY DANGEROUS, limiting all the power to three (3) trustees to create their own perceived "violations," then create their own rules and regulations without submitting to all lot owners for approval. This gives three (3) trustees the ability to create their own fine schedule with NO LIMIT to the amount of daily fines and no oversight required. This conflicts with other provisions of the indenture.

  i.e., Head Trustee told of his intention to implement this by directly threatening a neighbor with "daily fines of $250, doubling it to $500, until he took his home, his social security and his family's wages." (This is an exact quote at a HOA meeting from David Hall, the Head Trustee!)

Article IV: (Costly Insurance to cover their power grab)

- Because of these blatant attempts for over reaching power, it is no surprise they are asking you to provide them with individual DIRECTOR and TRUSTEE insurance if they are going to be dictators in the neighborhood. This will INCREASE INSURANCE COSTS to the neighborhood and would be unnecessary if they would keep with the standard 2/3-majority needed to make substantial decisions. They are inherently insulated with a 2/3-majority. Hence you can see when they take the power they desire, they will desperately need insurance protection from the very body they seek to dominate over. This is NOT good.

Article V: (Ambiguous nuisance and all other restrictions)

- This entire article is ambiguous and leaves the determination of what is "negative impact," "offensive," or "detrimental" in the SOLE DISCRETION of a three-person board. If the so called "nuisance" were so intolerable, the City of Ballwin would act upon it. In this case the lot owner and the city are being usurped by a three-member board who is ill-trained or equipped to hold "hearings" and has no idea what it means to afford an "opportunity to be heard."

  i.e., Today they consider little girls playing catch a business that is intolerable and a nuisance. Tomorrow it could be YOUR many dandelions or garbage cans that are not brought in promptly. "Nuisance" is left to be defined by three (3) trustees. This leaves no protection for the neighbor that they may have a vendetta against.

  The super-sensitivities of one complaining neighbor may always trump the rights of the lot owner and the neighborhood. We call this the "tail-wagging-the-dog."

Article VI: (Amending indentures and voting)

- "Substantial compliance" is not a voting standard and is nebulous in both scope and application. Voting requires a strict timeline, definitions, and deadlines with verifiable proof. This entire amendment lacks accountability, while at the same time allows no flexibility to reverse poor decisions by the Board.

  i.e., This current HOA is seeking to get rid of all the checks and balances for their agenda.

- A "non-vote" should ALWAYS be a NO! This article changes the current standard of only counting the votes received to allowing them to count any ballot NOT received as a YES for their agenda. This sentence alone is the single best illustration of this set of trustees seeking power, control, hidden agendas and not serving in the best interests of the lot owners.

  i.e., Can you imagine if "no-shows" were counted as approval for tax increases?!

- This dangerous proposal of "waiver of challenge" upon one year forces lot owners to live under mistaken, irrelevant, and tyrannical actions by the few (trustees) without recourse by the next annual meeting. Lot owners should not be forced to live with erroneous actions by the trustees that should not have been passed, enforced, and could be corrected.

  i.e., Again, the City of Ballwin says there is nothing wrong with girls learning a sport in a backyard with a specialized coach. They do not wish to adjudicate on their level, but the current trustees desire to create an unworkable set of voting and amendment rules that essentially the City of Ballwin says are unnecessary and, in the end, will create unnecessary litigation expenses against the trustees and expenses of the HOA.

- Adding subpart "D" should be explained in detail to the lot owners. Trustees should NEVER be "authorized" to act, amend , assess, etc., on their own upon the lot owners without approval by all lot owners. This is ambiguous as to granting authority beyond mere corrections of typographical errors.

  i.e., What is meant by "technical" errors?

Our HOA is unfit to serve and now wants to take away your property rights over a vendetta they have with one neighbor. Below is a link and a QR code to see them in action against your 88-year-old neighbor who has lived in his home in this neighborhood for 46 years.