

The Babbling Brook

www.forestbrookhoa.org

March 2013

2012-13 Forest Brook Homeowner's Association Board of Directors

President <i>Andrea Figlia</i>	Vice-President <i>Kim Wimberly</i>	Secretary <i>Judy Anderson</i>	Treasurer <i>Scott Friedrich</i>	Member-at-Large <i>Randa Bruce</i>
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Spring-a-poolza:

FBHOA is looking forward to spring and lots of activities around the neighborhood. We think a spring party is in order and a gathering of FB families is overdue!!!! Let's gather at the pool area and common grounds for an afternoon of outdoor games {sack races, Frisbee, freeze tag} and a picnic. Date to be determined but likely to coincide with pre-opening of the pool

Common Grounds Update:

Lighting at both entrance islands and the sprinkler systems will be replaced and fixed in the next few months.

Removal of the two large trees next to the street at the pool will be done during the next two months.

DOT construction on Lower Roswell Road is continuing and we have been told it is to be completed by April. Pine straw has been laid at both entrances until new sod can be installed properly.

Road reminder - Vehicles should be parked in your garage and driveway in order to keep streets clear - this is a safety and visibility issue so we hope everyone will comply.

Reminder: if you are traveling or out of town, please have newspaper delivery suspended or have a neighbor or friend pick up papers from your yard or driveways. Keep your house safe and secure while you are gone!

Please remember – It takes a team to keep Forest Brook looking good!

Pool Reopening:

The pool will be reopened May 18th. On the agenda for discussion at the annual meeting will be whether lifeguards are still desirable and if a schedule adjustment is appropriate. In the meantime if there is a responsible young adult interested in this position, please email the FBHOA with contact information.

Save the Date: Annual Meeting, Monday, April 29 from 5:30 PM to 7:45 PM at East Cobb Library at Parkaire Landing



Welcome New Neighbors:

Kunfang Hsu and Hsinhua Chen at 5216 Forest Brook Parkway

News from the Board:

Covenants: The Board has received the amended and restated neighborhood covenants at a meeting on Feb 20th with our attorney. Please review the new documents which can be accessed online at www.forestbrookhoa.org Please email covenants@forestbrookhoa.org any comments or questions by or before the Annual Meeting on April 29. It saves funds by having this review online versus printing copies for all the residents; however printed copies can be requested by emailing the board. On the back of the newsletter is a complete explanation of this process. The final step will be to gather signatures from all the residents.

Board Slate for 2013-14:

Over the past year our HOA Board has spent a great deal of time researching the Forest Brook covenants via 1979, as well as meeting with our attorneys to update and revitalize the covenants. This has been a lengthy, and at times, tedious process. As of February 20th, our updated covenants and restrictions have been completed. We are now ready to have these signed and adopted by the residents of Forest Brook.

While we are happy they are done, the timing is unfortunate due to potential board turnover. By replacing those board members who have been instrumental in completing the covenants and restrictions, we feel we could lose a great deal of knowledge (of the process) and momentum (in completing the process). It is our belief - and that of our council - that it would be beneficial to retain our current board for one calendar year to complete this process.

We don't believe that any of our neighbors would have objection to this; however, we are a fair and democratic neighborhood so we are asking for your input. If you have objection, please email board@forestbrookhoa.org at your earliest convenience. We would like to hear your thoughts.

P.S. All those who reply are considered "nominations" and will be a part of the 2013 ballot!

Below is a brief history of our covenants:

In 1973 the Developer of Forest Brook Subdivision (MCG Development Co.) executed a document entitled Protective Covenants, Forest Brook Subdivision, that limited the subdivision land to residential use and listed prohibited acts, such as no unsightly objects visible from the front of the house, no outside clothes lines, no window air conditioning units, no livestock kept on premises, etc. The HOA did not exist until 1979 when the Forest Brook residents officially created the Forest Brook Homeowner's Association via the execution of a Declaration of Covenants, Conditions and Restrictions for Forest Brook Recreation Facilities. Over the years all the homes except for five lots signed into the HOA. In 1993 an amendment was created to clarify the annual dues and what expenses they were to cover. We placed both these documents as well as the First Amendment to the HOA Declaration in everyone's mailbox in October 2012.

The HOA was informed about a year ago that both the HOA Declaration and the Protective Covenants had expired pursuant to a Georgia Statute that mandates such documents expire after 20 years. At that time, the HOA engaged a law firm for the specific purpose of renewing our documents. The law firm, however, informed us that the referenced Georgia Statute does not apply to the HOA Declaration and its First Amendment. Therefore, these documents are still valid. The law firm also advised us that the Protective Covenants are also likely still valid due to its provision providing for automatic renewal. However, there are some issues with regard to the successor in interest of the Developer and whether the Protective Covenants were validly recorded. Therefore, in order to be completely safe and to keep Forest Brook protected, we decided to have the law firm draw up a new document of protective covenants.

Since the engagement of our attorneys the HOA has solicited input from the residents on what to include in the new protective covenants document. The law firm has incorporated the requests and has created a new Protective Covenants document which is current and aligns with the protective covenants documents of other neighborhoods similar to ours that are being created today. We will place this document online for everyone to review. The signature page of the document will need to be signed by all parties (owners) of the house. We will be able to meet with you along with a notary and unofficial witness to have everyone sign.

If you have any questions or comments, please feel free to contact the Board as we are very excited about our new Protective Covenants and are happy to discuss any issues that may arise.