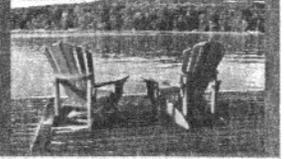


# LAKE SIDE HEIGHTS REPORTER

October 10, 2011  
Volume 1, Issue 1



Lakeside Heights Property Owners Association, P.O. Box 1616, Kingsland, TX 78639

## President's Corner

By Dan Clark

Welcome to the first edition of the Lakeside Heights Reporter. In years past the Board of Directors has published a periodic newsletter to keep the property owners informed of significant events in our community, as well as items being contemplated by the Board. Our initial goal is to resurrect a periodic (quarterly) newsletter to keep our friends and neighbors informed and up-to-date on what is happening in our community and the surrounding areas.

In this first issue you will find a number of areas in which we are soliciting your participation and requesting your input. These different areas include: A contest for a new Lakeside Heights "Logo"; An anonymous survey for you to complete; Solicitations for volunteers and committee members in a number of areas; & An open invitation to attend the monthly meetings of your Board of Directors. If you have ideas,

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suggestions, or topics for articles in future editions, or if you would like to be a contributing writer, please contact Linda Newell (210.860.1164).

As you will see later in this newsletter, one of our goals is to eventually publish subsequent newsletters on our own Lakeside Heights website. But, more on that on page 2.

Again, welcome to the new newsletter! Let us know how we can improve it to better serve you!!

*Dan*

## Introducing your 2011 Board of Directors

By Hal Newell

Although you may know all of the members of the Board of Directors by sight - and even some as personal friends or neighbors - we wanted to briefly introduce ourselves to you so that you are aware of the background and experiences the board members bring to the job.

As you will see, we are quite a diverse group, and probably the only common characteristic across the group is a love of our neighborhood and a desire to see it prosper.

This year's board consists of:

### Dan Clark (President) -

Originally from: San Antonio  
Lakeside Heights Resident Since: 2006  
Wife: Lesley  
Best Phone Number: 325-388-4078

### Joey Whittenburg (Vice President)

Originally from: Marble Falls  
Wife: Holly  
Best Phone Number: 830-613-9684  
Most Interesting Job(s): All types of construction

Please see 2011 BOD on page 4

## “Community Property”

By Hal Newell

I just fielded a question the other day from a new resident that highlighted a misconception that exists among a few individuals. The question was about “ownership” of boat docks built on the waterfront in our POA parks.

The short answer is that there is no individual ownership of docks or boat slips built on park property - or in the water adjacent to POA parks. Once built, the docks become community (POA) property, (just like the parks themselves) and the docks may not be sold, given away, bequeathed in a will, or otherwise transferred.

If you (or your parents or grandparents)



built a dock in one of the parks, or if you make repairs to a dock, then you are free to use that dock when it is available. However, all other property owners may also use that dock.

Most of the existing docks have been there for many, many years (30+), and all were built with the clear understanding of their community property nature.

## Coming Soon – A Lakeside Heights POA Website

By Hal Newell

One of the board’s goals for this year is to design and implement a POA website (otherwise known by the project code name: “Drag-us-kicking-and-screaming-into-the-21<sup>st</sup>-century”).

With a well designed web site we will be able to communicate faster, easier, and more accurately with the property owners of Lakeside Heights. Perhaps more importantly, the property owners will be able to communicate with their Board of Directors. At the present time, we rely very heavily on personal contact to stay current with what’s going on in our neighborhood and what needs attention. With a website where our

neighbors can post their questions and concerns, we should be able to quickly determine whether the property owner has identified an issue that affects the entire community, or one that affects only a single family or a small group of property owners. Either way, it will be a large improvement over our current process of relying solely on a property owner to bring an issue to the personal attention of one of the board members.

With the new website in mind, please send us your email address – Please!

Please see *POA Website* on page 5

*“Opportunity is missed by most people because it is dressed in overalls and looks like work.”*

Thomas Edison  
Inventor and businessman

## Survey of Property Owners

By Hal Newell

Attached to this edition of the newsletter is a 15 - question survey for you to complete. We are asking each and every property owner to take a few minutes and complete the survey and return it to the Board of Directors in the attached self-addressed and stamped envelope **by November 15, 2011**.

In order for the board to make informed and well-thought-out decisions which affect our community, we need to know what the property owners want, need and expect. We also want your input for what you think is important for the POA now, 5 years down the road, and long term.

The survey is completely anonymous. It does not ask for your name, address or any other identifying information. If you would like a response, or an answer to a particular question, you may include contact information - but it is not required.

## CONTEST - Design a Logo

By Hal Newell

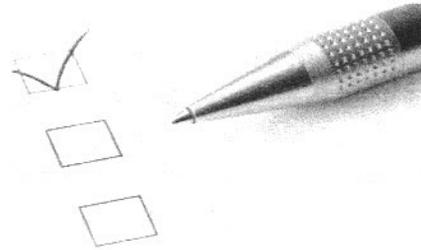
In order to better promote Lakeside Heights - and add a degree of professionalism to our signs and written correspondence, we're conducting a contest to develop a distinctive logo for the POA.

Please submit your design for a new Lakeside Heights POA logo to P.O. Box 1616, Kingsland, TX 78639. Or, give your drawing to any member of the board of directors.

Simple Contest Rules:

- Only property owners & their immediate family members are eligible to enter (same household)
- The decision of the judges is final
- Deadline for all entries is November 15, 2011

**Prize: \$50 gift card - Enter Now!**



The survey asks some very pointed questions about how well the Board of Directors is performing, and we would like your honest opinion. One member of the board will tally the responses and present the results to the other board members. The results of the survey will also be published to all property owners - hopefully on the POA's new website.

Thanks for your participation & your input!

## Volunteers Needed

By The Board of Directors

We have a continuing need for assistance, help, planning and leadership in a variety of areas. There is an on-going need for committee members, committee chairs and volunteers in a variety of areas, such as:

- Newsletter
- Landscaping
- Park maintenance ("Adopt a Park")
- Web site management
- Architectural committee
- Neighborhood activities
- New neighbor committee

If you would like to assist with one of these areas, or other areas where you know a need exists, contact any member of the board of directors.

Thank you!

2011 BOD from page 1

**John Coleman (Treasurer/Vice President)**

Originally from: Oklahoma  
 Wife: Shirley  
 Best Phone Number: 512-417-1917  
 Training & Work Experience: BBA, Mgmt, Acct  
 Most Interesting Job(s): Marine Corps Cook;  
 Airborne Electronics Technician; Systems  
 Manager; Tax Professional/Manager

**Linda Newell (Secretary/Vice President)**

Originally from: Artesia, NM  
 Lakeside Heights Resident Since: 2002  
 Husband: Hal  
 Best Phone Number: 210-860-1164  
 Training & Work Experience: Teacher  
 Most Interesting Job(s): My last teaching  
 assignment!

**Damon O'Neal (Vice President)**

Originally from: Austin & Lago Vista  
 Lakeside Heights Resident Since: 2007  
 Wife: Donna  
 Best Phone Number: 512-560-4773  
 Training & Work Experience: Real Estate:  
 Graduate Realtor Institute; Accredited  
 Buyer Representative; Seniors Real Estate  
 Specialist; Special Assets Management;  
 eCertified. Member of: Texas Real Estate  
 Commission; National Assoc. of Realtors;  
 Texas Assoc. of Realtors; Austin Board of  
 Realtors; and Highland Lake Assoc. of  
 Realtors.  
 Most Interesting Job(s): Finance manager for  
 a Cadillac dealership

**Jerry Lindt (Vice President)**

Originally from: Denver City, TX  
 Wife: Donna  
 Best Phone Number: 325-388-6751  
 Training & Work Experience: Oil & gas  
 production

**Hal Newell (Vice President)**

Originally from: Artesia, NM & West Texas  
 Lakeside Heights Resident Since: 2002 (coming here  
 since 1960)  
 Wife: Linda  
 Best Phone Number: 210-827-1525  
 Training & Work Experience: Retired US Air Force;  
 Psychologist; Pilot; Lawyer  
 Most Interesting Job(s): Flying jets and raising my  
 kids - both equally exciting!

## 911 Address Plates

If you have not already obtained a new address plate for your home (red with white reflective numbers), the board of directors has application forms in the office for your use. If there is enough interest, we'll collect the forms and deliver to the proper office in Llano - and pick them up for you when they are ready.

Pick up a form at the next board meeting on Tuesday, November 1<sup>st</sup> at 6:30 p.m.

*"Anyone who considers  
 protocol unimportant has  
 never dealt with a cat."*

Robert A. Heinlein

*POA Website* from page 2

Elsewhere in this newsletter you will find a call for volunteers, and someone experienced in website management is one of the vacancies we really need to fill in the very near future.

If you have experience in website management, or working as a "webmaster", please contact Damon O'Neal to discuss this project and your ability to assist.

We would also like to solicit everyone's opinion on what you would like to eventually see in our community's new website. Our tentative plans call for the following tabs/pages on the new website, but we would appreciate your input on other items you would like to see included. The current list includes:

- Address Book
- Classified Ads
- BOD Minutes
- Message Forum
- Events Calendar
- Deed Restrictions

Please let us know what you believe should be (or should not be) on the new website!

FLASH – Our new website is:

**LakesideHeightsPOA.com**

Check it out!



***I do not fear computers. I fear the lack of them.***

**Isaac Asimov**

## Deed Restrictions 101

By Hal Newell

Although many of our deed restrictions appear simple on first reading, each must be read while considering the underlying intent and existing Texas law.

Our first deed restriction reads, in part: "No building, other than a single family residence containing not less than 1000 square feet, exclusive of open porches, breezeways, car ports and garages, shall be erected or constructed on any lot. Homes must be . . ."

Twice this year, the board has had to consider whether the "single family residence" provision prohibits the rental of property. In researching this question, we determined that "single family residence" commonly refers to the place where the property owner and his/her immediate family lives

- Permanently, as their only residence; or

- Periodically, such as using the home as a weekend or summer home ; and
- May be occupied by a family member of the property owner, even when the property owner is not present

Our research also found that Texas courts have addressed this issue. "Single family residences", when used in deed restrictions, is construed in accordance with the opinion in Bernard v. Humble, 990 S.W.2d (Tex. App. – Beaumont 1999, pet. denied). Specifically:

- The renting of subdivision property on a weekly and/or weekend basis is considered as temporary or for retreat purposes, rather than for residential purposes.
- Even if deed restrictions do not specifically exclude renting as an owner's option for use of his or her property for "residential purposes", the court agreed that short term rentals run afoul of the single-family residential purposes provision in the covenants.
- The Court in Humble held that the use of an owner's

Please see *Deed Restrictions* on page 6

Lakeside Heights POA  
P.O. Box 1616  
Kingsland, TX 78639

Phone Numbers:

Dan Clark	325.388.4078
Joey Whittenburg	830.613.9684
John Coleman	512.417.1917
Linda Newell	210.860.1164
Damon O'Neal	512.560.4773
Jerry Lindt	325.388.6751
Hal Newell	210.827.1525
Llano County Sheriff	325.247.5767
Fire or Emergency	911

— Cut & Keep —

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*Look at our  
new website at:  
[LakesideHeightsPOA.com](http://LakesideHeightsPOA.com)*

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*Deed Restrictions from page 5*

property for short term rentals violated the deed restrictions which required that the property be used for single-family residences.

In adopting the standards set forth in Humble, the Board of Directors of the Lakeside Heights Property Owner's Association has interpreted deed restriction #1 as follows:

- A property owner's single-family residence may be used as long term rental property for periods of six (6) months and longer (183 days or longer)
- A property owner's single-family residence may not be used as short term rental property for periods of one (1) day to 182 days.

This interpretation is based on what we perceive as the intent of the deed restriction, the historical absence of short term rentals, and the premise that short term rentals constitute an annoyance and nuisance to the neighborhood which unreasonably interfere with other property owners' quiet enjoyment of their own property or community property.

The Board of Directors will continue to enforce the restriction against short term rentals. If you know of a situation where a Lakeside Heights property owner is renting out their property for less than half a year, please let us know.

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