



# MALLARD'S UPDATE

January, 2015

## **Welcome New Residents**

Mark and Amme Adams – 12106 Mallard's Lake Parkway

Ray and Melissa Gage – 6722 Mandarin Cove

Nathan and Megan Lawrence – 6809 Laysan Teal Cove

At the Mallard's Lake Annual Meeting which was held on December 2, 2014, the following Board was voted upon and approved; President, Ed McCutcheon; Treasurer, Pam Michalec and Secretary, Deb Reichard. At Large Members are Joe and Jenny Gilbert along with Chris Stock and Jerry Yoder. Board Members may be contacted by e-mail at [mallardslake@yahoo.com](mailto:mallardslake@yahoo.com). Comments or questions may also be mailed to Mallard's Lake Community Association, Inc. at 6903 Pintail Drake Court, FW, IN 46845. All contact will be reviewed by every Board Member and will be responded to accordingly. Board Members will also chair the following responsibilities of the Association:

Landscape/Lawn/Snow Removal – Joe and Jenny Gilbert

Architectural Control – Ed McCutcheon

Pond Committee Chairs – Jerry Yoder

Committee: Chris Stock, Jeromie Tierney, Jay Irick

Communication with Association members will again be made by e-mail accounts on record with the Board. Newsletters, notification of meetings and updates on projects will all be directed to residents by e-mail or posted on the website at [www.mallardslake.org](http://www.mallardslake.org). Resident page password is BuffL3. Please be sure that your e-mail accounts, resident names and phone numbers are correct by sending to [mallardslake@yahoo.com](mailto:mallardslake@yahoo.com) or including with your Annual Dues remittance.

## **Holiday Lighting**

Thank you to Cheryl Poeppel, Pam Michalec and Deb Reichard for decorating the Popp Road and Union Chapel entrances with lights and wreaths. Thank you to the unknown Red Bow Elf for placing the festive red bows on all the street lights.

## **Snow Removal**

Parking vehicles on residential streets is a violation of the Covenants and Restrictions. Please avoid parking cars on neighborhood streets. Not only is it a violation but particularly dangerous when measurable snow fall is expected. It is very difficult to clean the roadway when our snowplow operators have to push snow around cars. It is even more dangerous to drive that stretch of street after cars are moved and piles of snow are then left in the street. Please be considerate of your neighbors, remove your vehicles from the roadway. Mailboxes should

also be cleared to ensure there would be no complications with mail delivery. Equally important is to keep all fire hydrants cleared in case of fire. 2015 Snow Removal contract is with Living Art Landscaping, LLC.

### **Legal Proceeding: Mallard's Lake v Farris**

Ed McCutcheon, President informed residents of the legal proceeding against a resident in violation of the single family residency bylaw as well as creating an annoyance and parking violations. At the pre-trial conference held on December 18, 2014 with Judge Boyer, it was her position that the entire case is one of judicial interpretation of the restrictive covenants and the zoning ordinance, so she wants an "efficient" resolution, to-wit: (1) parties will stipulate all the facts; (2) parties will file briefs on the law supporting their position on the same day; and (3) there will be one hearing where the lawyers will argue their positions. There will be no evidentiary hearings, discovery requests, or other motions. Mallard's Lake attorney feels this is a great way to resolve this case. Mr. Gallmeyer will provide the applicable dates when he gets the court order.

### **Dr. Washington and RV Storage Structure**

Our neighbor to the west of Mallard's Lake on Popp Road, Dr. Gary Washington has placed a RV storage structure at the end on the street at Canvasback Trail. Board members made several requests and phone calls to the Allen County Planning Office and the Allen County Highway Department as to the legality of the structure. Our findings were: (1) the structure is legally placed on his personal property; (2) Dr. Washington has legal right of way to access his property via the end of the road at Canvasback Trail. Residents have questioned his past actions regarding the over flow of his pond, etc. onto the easement between his property and our common area. The Allen County Surveyor has informed the Board that the development of Mallard's Lake blocked the natural flow of his pond or storm water runoff and is not in any violation of placing runoff through his ditch to the rain water sewer onto Mallard's property. However, we probably all agree that this structure is unsightly and questionable as to his courtesy to the neighborhood. It has been fully investigated and determined to be a situation the Board nor Mallard's Lake residents dictate removal of the structure.

### **Neighborhood Watch**

On Sunday, January 4<sup>th</sup>, Jill and Ed Hodges reported they called the non-emergency Sheriff's number to report that there were four teenage boys (approximately 14 years of age) out in the cold at 10:00 p.m. ringing doorbells and looking very suspicious. When confronted they said they did not live here and were visiting from Ohio. They also said they were waiting for a friend. One reportedly said they were sorry when the Hodges told them they were calling the Sheriff. Thank you Jill and Ed for keeping a watchful eye in our neighborhood.

### **Street Light Chair**

A Street Light Chair is still needed to oversee the residential street lights in Mallard's Lake. An electronic log as well as a hard back copy has been recorded of all the lights within Mallard's Lake. The responsibility of the chairperson would be to update all correspondence, work with individual contractors and/or Millennium Development regarding issues with the street lights and to contract any needed repairs. AEP is contracted to change all light bulbs but all other contract work is done with Roger's Electric. Tom Reichard has agreed to help out as our residential handyman or minor repairman. If interested, please contact the Board as soon as possible.

### **Covenant/Bylaw Review Committee**

As our Association Covenant/Bylaws are approximately 15 years old, several restrictions need to be reviewed and possibly revised. The Board is seeking volunteers to review those Covenants, seek input and possibly revise. If you are interested in helping with this committee, please contact the Board by e-mail at [mallardslake@yahoo.com](mailto:mallardslake@yahoo.com).

### **Report of the Board**

**Annual Dues** – Annual Dues Remittance Letters were mailed to all residents on December 18, 2014. The \$324.00 payment is due by February 1, 2015. Payment postmarked after February 28<sup>th</sup> will be considered late and interest charges will be added to your account per the neighborhood covenants. **Failure to pay your annual dues may result in a lien against your property.** After several years of no increase in dues, the Board felt it was necessary to realign the income with the over expenditures of the budget within the past couple of years. We have been over budget in the areas of snow removal, street light repairs and legal fees. The budget expenditures are also increasing in the areas of lawn/landscape and pond maintenance. The Rainy Day Fund was significantly reduced due to the repair and reconstruction of the Popp Road entrance signs. The 2015 Budget is posted on the Mallard's Lake website at [www.mallardslake.org](http://www.mallardslake.org) in the Resident Section.

**Treasurer's Report** – Ending Balance as of 12/31/2014 was \$15,605.47. The 2014 expenses totaled \$33,855.12. The major January and February expenditures will be snow removal, legal fees and street light repairs. The Proposed Budget for 2015 was examined and approved by the Association Members at the 2014 Annual Meeting on December 2, 2014.

### ***~ Mallard's Lake Board Members – 2015 ~***

Ed McCutcheon, President   Pam Michalec, Treasurer   Deb Reichard, Secretary  
Joe and Jenny Gilbert, At Large   Jerry Yoder, At Large  
[mallardslake@yahoo.com](mailto:mallardslake@yahoo.com)