



MALLARD'S UPDATE

May, 2015

New Residents and Lot Sales

Lot 108, 12512 Freshwater Tide – Steury Builders Spec
Lot 31, 6831 Canvasback Trail – Tricia Albert

Pond Committee

Dye is being applied to all ponds on a monthly basis usually around the 20th – 25th of each month. Muskrats have been observed on the North Pond and causing damage to the banks of the pond in some areas. If you notice muskrat activity on any of the ponds, please let the Pond Committee know immediately by emailing mallardslake@yahoo.com and the committee will check it out.

Lawn and Landscape

All vacant lots are the responsibility of Millennium Development to maintain and mow. Please do not dump any yard waste, unwanted dirt or materials in the lots as it creates hazards to equipment and surrounding properties while trying to maintain the lots. Republic Services will accept grass clippings. Please call Republic Services if you have questions on what is acceptable for collection. The Union Chapel Entrance has lost one or more of the crab apple trees in the center planting due to disease. During the winter some of the boxwoods were damaged by a vehicle driving through them. The Lawn and Landscape Committee is looking into future landscape repair or replacement. If anyone is willing to help either with suggestions or labor, please contact the committee via mallardslake@yahoo.com.

Social Events

Residents have expressed interest in social events for mid to late summer. Events being planned are a Fishing Derby and a neighborhood Block Party or Tailgate. If you are interested in helping to organize, donate to or participate in these events, please contact the Board at mallardslake@yahoo.com.

Street Lights

The street light at the Pintail Drake Court east cul-de-sac was cut during the rough grading of the Maggos spec home. The repair will be completed by Maggos Builders.

Popp Road Entrance Sign

The graffiti that was spray painted on the signs in March will be removed by G&T Services sometime in the month of May. A hot-water compressed tank is needed to remove the paint along with a high grade graffiti chemical remover. If the dye in the stone is affected, J&N Stone has agreed to replace the dye at no cost. The cost to remove the graffiti will be approximately \$200 to \$250.

Covenant Reminders

Please be mindful of the following:

- **All architectural plans such as fences, pools, etc. need to be approved by the Architectural Committee.** You may contact them through mallardslake@yahoo.com or go onto our website to obtain an approval form at www.mallardslake.org. The committee has up to 30 days to respond. Please plan accordingly.
- **The Second Amendment to the Mallard's Lake Covenant prohibits above ground pools or wading pools.**
- **Parking vehicles on residential streets is not permitted** according to the Covenants. Park all vehicles in your driveway or garage.
- **Boats, trailers, recreational vehicles, etc. are not allowed** to be parked on any driveway or lot within Mallard's Lake.
- **The Fourth Amendment to the Mallard's Lake Covenants mandates landscaping requirements.** A minimum of ten (10) shrubs shall be planted and located by each Homeowner on each Lot, and a minimum of one (1) at least ten (10) foot tall hardwood deciduous tree shall be located in front of the dwelling on each Lot.
- The Board will take action on Covenant violations after a formal complaint is made by a homeowner. It is not the Board's role to police our community for violations. A formal complaint may be made via mallardslake@yahoo.com or through the website comment page at www.mallardslake.org. Complaints and/or concerns are kept confidential. Violations by address and Board action are noted in the Mallard's Update. Resident identification is noted if further legal action or if legal fee expenditures are pursued. Some violations may not be covered by the Mallard's Lake Covenant but could be in violation of the zoning laws of Allen County. The Mallard's Lake Covenant and Bylaws as well as amendments are posted on the association website for your reference.

Pets, Neighborhood Courtesy and Safety

- Pets are an extension of our family however several residents have expressed concern about the lack of waste cleanup by pet owners while walking dogs in the neighborhood. Please be respectful of other neighbors and always carry a bag to pick up and dispose of pet waste.
- Warm weather is finally here. Many children are playing in yards, riding bikes and running about from house to house. Watch for children at play, slow down and be prepared to stop while driving through our neighborhood. Mallard's Lake is a popular cut-through for many non-residents. If you see cars that do not stop at stop signs, are traveling at unsafe speeds or are just reckless, try to get a license plate number and call the Allen County Sheriff's Office immediately.

Mallard's Lake vs Farris

The Board has been notified by our attorney, Tom Gallmeyer that Judge Eschoff-Boyer has ruled on the side of Farris. Mallard's Lake has lost the court case regarding Single Family Residency and the renting of a residency to multiple unrelated tenants within the community of Mallard's Lake. The legal summary is as follows:

- 05/05/2015** **Miscellaneous Motions** (2:00 PM) (Judicial Officer Boyer, Nancy)
Result: Commenced and concluded
- 05/06/2015** **Order Issued** (Judicial Officer: Boyer, Nancy)
Plaintiff appeared by Atty Tom Gallmeyer. Defendant Fred Farris appeared by Atty Jeff Smith. Court conducted hearing on parties' Cross Motions for Summary Judgment. Parties previously filed a Joint Stipulation of Facts and Admissibility of Documents, which the Court adopts. Court enters the following Order and Judgment: There are no genuine issues of material disputed facts. Since the Restrictive Covenants do not prohibit the leasing of a residence, and since the Ordinance permits single family residential uses, and since the Ordinance further permits that up to eight unrelated individuals may occupy a single dwelling unit as a family, Farris, as a matter of law, has not violated the Ordinance. Farris's leasing of his residence to the four individuals does not violate Article VI, Section 1 or Article VII, Section 7 of the Restrictive Covenants. As a matter of law, judgment is entered for Defendant and against Plaintiff on both Plaintiff's Motion for Summary Judgment and Defendant's Motion for Summary Judgment. Judgment is entered accordingly. This is a final Order and Judgment. This case is disposed of in its entirety.
Order Signed: 05/05/2015
- 05/11/2015** **RJO Entry**
Order of Judgment
Order Signed: 05/05/2015
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- 05/11/2015** **Final Judgment entered** (Judicial Officer: Boyer, Nancy)
Comment (05/05/2015 Judgment for Defendant against Plaintiff.)

Report of the Board

Covenant Violation Letters Sent to:

6821 Mandarin Run – Parking Violation, Second Notice

12507 Freshwater Trail – Signage on Property

Annual Dues – To date, four (4) residents have not paid their Annual Dues.

Residents have until June 30th to pay their Annual Dues along with delinquent fees or a lien will be placed on their property.

Treasurer's Report – Ending Balance as of 4/30/15 was \$32,988.55.

Year to Date Expenses are \$16,254.56 with a Year to Date Income of \$17,383.08. Anticipated bills for May and June will be lawn and landscape, legal expenses, pond maintenance and electric utility bill.

~ Mallard's Lake Board Members – 2015 ~

Ed McCutcheon, President Pam Michalec, Treasurer Deb Reichard, Secretary
Jerry Yoder, At Large Joe & Jenny Gilbert, At Large

mallardslake@yahoo.com

www.mallardslake.org