

January 3, 2024

To All Owners –

It has been discovered there is a scrivener's error on the current ballot. Per guidance from the attorney, the trustees are providing notice of the error and stating that the meeting date is FEBRUARY 3, 2024, as initially communicated to the members in the November 2023 Newsletter posted on this facebook page and on the BTH website. Attached is a copy of the corrected ballot.

Note that the current ballot is valid and can be used. If you would like to receive an updated ballot, you may do so by reaching out to me directly as we will need to account for each person that receives one.

Apologies for the error and I thank you for your understanding. We are almost there! Let's hope we can finally come together as a unified team.

Again, thanks!

Kevin Sterrett

Owners,

Finally here! The Trustees have been diligently working with the DNR to agree upon how BTH can implement measures that bring us in compliance with the DNR regulations and the Missouri Clean Water Law. For those that haven't had the opportunity to review the documents, you can retrieve what has been shared on the Bent Tree Harbor website at www.benttreeharbor.com/Documents.html or on the BTH HOA Information Facebook page.

We would like to provide you with a summary of where we started, where we ended up, how the assessment was calculated, and the impact on you, the owners.

\$5,000 in penalties assessed by the DNR have been suspended for 2 years as long as the AOC is executed, and the terms are met with no violations.

Camping Lots with holding tanks, permanent structures, and dwellings prior to signing of the AOC,

- o ORIGINAL: Camping lots' owners would be required to remove holding tanks, grey water pits, permanent structures, and dwellings.
- o FINAL:
 - Lots that have holding tanks prior to the signing of the AOC will be able to keep their tanks but must upgrade to the minimum gallon requirement of 1,000 gallons for temporary residents (those that stay in BTH 140 days or less in a calendar year), or 3,500 gallons for permanent residents (those that stay in BTH over 140 days in a calendar year (grey water pits are not allowed))
 - Permanent structures (structures that are not mobile) can remain but new permanent structures cannot be added.
 - Dwellings (habitable premises that are permanent) can remain but new or replacement Dwellings cannot be added.
 - The owners must provide the Board of Trustees with the location of any holding tank (along with capacity), permanent structure, and dwelling within 30 days of execution of the AOC. This need supports the Board of Trustees' obligation to present all information to the DNR within 60 days of execution.
- o **Camping Lots after the signing of the AOC**
 - o Owners that have contiguous lots that equal 15,000 square feet may have the lots surveyed and receive the benefits of a multi-purpose lot (holding tanks, permanent structures, and dwellings).
- o **Other miscellaneous conditions**
 - o Grey water pits are not approved or allowed. Grey water pits must be eliminated, and flow must be redirected to discharge into the holding tank. If there is no holding tank on site, you must use portable means of disposal either to the wastewater treatment plant or another outside source.
 - o 120 days from execution of the AOC, retain the Engineer for options to become compliant (Engineer already identified and cost is approximately \$50,000).
 - o Within 90 days of retaining the Engineer, BTH must submit the options for the wastewater treatment plant (upgrade existing or build new) and the Holding Tank Management Plan to the DNR. DNR will then review and provide approval if options are acceptable. If both are agreeable, BTH owners will vote on their desired option. If DNR only approves one option, BTH will instruct the engineer to design that option. Once designed, the services will be put out for bid out to contractors (some of you would equate this to an RFP).

The AOC needs to pass by a majority to ensure funds are available to meet the expenditures needed in order to comply with DC. If not, we as a community, will face the potential of default of the AOC which could result in daily fines of up to \$10,000 per lot, per day or involvement of the Attorney General.

THE SPECIAL MEETING WILL BE HELD ON FEBRUARY 3, 2024 AT 10:00AM AT THE BTH COMMUNITY BUILDING OR YOU CAN CALL IN AT 319-527-2143

**BTH SPECIAL ELECTION FOR
BTH SPECIAL ASSESSMENT SPECIFIC TO THE DNR AOC
SATURDAY, FEB. 03, 2024 2023**

The Abatement Order or Consent ("AOC") between the Missouri Department of Natural Resources ("DNR") and Bent Tree Harbor Home Owner's Association, Inc. ("BTH") for violating the Missouri Clean Water Law ("MCWL") has been received by the Board of Trustees and is posted on the BTH HOA Facebook page and on the BTH website (<http://www.benttreeharbor.com/Documents.html>) for all lot owners to review. Note: Voting will be subject to the same requirements as is established for voting during the annual meeting.

Based on said AOC and its conditions will you, individually or as the named representative of a group that are on a deed for a lot within BTH (an "Owner"), agree to comply with the conditions of the AOC including the following:

- Special Assessment:
 - To remit \$100 (the "Special Assessment") for each lot owned in accordance with the BTH 2023 Amended Declaration of Covenants, Restriction & Bylaws, subject to the following:
 - The Special Assessment will be held in a separate account and not co-mingled with other BTH monies.
 - The Special Assessment will be used to pay for expenses to implement the requirements and enforce the AOC including, but not limited to construction materials and services and the purchase of a pump truck (i.e., engineering, consulting, attorney, permits, surveying, inspection, testing, etc.).
 - Monthly accounting of the funds will be shared with Owners within BTH.
 - Monthly progress reports will be shared with Owners.
 - On an annual basis, an updated estimated project schedule with estimated costs will be provided to the Owners.
 - Agree that the Special Assessment will apply for three (3) years.
- The following sections of the 2023 Amended Declaration of Covenants, Restrictions & Bylaws ("Bylaws") will be modified for the duration of this 3-year BTH Special Assessment after which these sections shall revert back to as written or as amended by any other approved HOA action:
 - Page 14, Article IV (Rights and Powers of the Association), Section 2.c. (Financial Limitation of the Board of Trustees) which states the following: "The board shall not commit the member to any financial obligations above \$7,500.00 without the prior approval of the members", shall be inapplicable for the duration of the 3 year BTH Special Assessment.
 - Page 15, Article V (Assessments by the Association), Section 7 (Special Assessments) will be modified to:
 - Delete the following language: "At no time shall any special assessment exceed twenty-five dollars (\$25.00) per owner, per year."
 - Revise the following language: "A special assessment is due and payable after thirty days of receipt of notice." to read, "A special assessment is due and payable within sixty (60) days of the members approval of the AOC."
- The BTH 2023 Amended Declaration of Covenants, Restrictions & Bylaws will be amended, as follows:
 - Incorporation of the approved, and fully executed AOC, of which will take precedence over any conflicting term(s) in the BTH 2023 Amended Declaration of Covenants, Restrictions & Bylaws.

Dues Analysis

Due Date: 12/31/23 Spring = more owners coming to BTH and pay dues

2023 Annual Dues			2022 Annual Dues			2021 Annual Dues		
Total invoiced: \$295,980			Total invoiced: \$298,631			Total invoiced: \$246,739		
Collected as of	\$	%	Collected as of	\$	%	Collected as of	\$	%
12/31/22	173,614	59	12/31/21	181,475	61	12/31/20	148,633	60
1/31/23	197,690	67	1/31/22	205,466	69	1/31/21	173,794	70
3/31/23	228,616	77	3/31/22	229,040	77	3/31/21	192,154	78
6/30/23	245,624	83	6/30/22	246,384	83	6/30/21	207,940	84
12/31/23	255,009	86	12/31/22	256,459	86	12/31/21	219,893	89
	Default rate	14%		Default rate	14%		Default rate	13%