

April 21, 2022

Melissa Jenck

Tillamook Department of Community Development

RE: Sahhali South Application 21-000003-PLNG-01

Dear Ms. Jenck:

The evidence hand delivered herewith on behalf of all the non-applicant owners of Sahhali South is as follows:

Sahhali South Marketing Brochure (highlighted and previously referenced in testimony);

Sahhali South Homeowner Association budget (in part for common area maintenance);

Sahhali South Homeowner billing for HOA assessment (in part for common area maintenance);

Letter from Patrick Foran Esq., dated April 21, 2022 to Sahhali South HOA;

Letter from all Sahhali South non-applicant owners to Richard Boyles dated April 20, 2022;

Citation of Oregon law and specifics of Sahhali South lot ownership.

Thank you.

Wyatt and Linda Angelo

SAHALI SOUTH HOMEOWNERS ASSOCIATION (SSH)

Period Ending 1/31/2021	Period Ending 2/28/2021	Period Ending 3/31/2021	Period Ending 4/30/2021	Period Ending 5/31/2021	Period Ending 6/30/2021	Period Ending 7/31/2021	Period Ending 8/31/2021	Period Ending 9/30/2021	Period Ending 10/31/2021	Period Ending 11/30/2021	Period Ending 12/31/2021	Total	
REVENUE													
4001-00 DUES - OPERATIONS & MAINTENANCE													
17,097.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,097.60	
17,097.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,097.60	
17,097.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,097.60	
EXPENSES													
COMMON AREA MAINTENANCE EXPENSES													
7110-01 LANDSCAPE MAINTENANCE													
0.00	0.00	1,550.00	1,650.00	1,650.00	1,650.00	1,650.00	1,650.00	1,650.00	1,650.00	1,650.00	0.00	0.00	13,100.00
7125-01 GENERAL REPAIR & MAINTENANCE													
0.00	0.00	0.00	0.00	0.00	0.00	33,000.00	0.00	0.00	0.00	0.00	0.00	0.00	33,000.00
7140-01 ACCOUNTING & ADMINISTRATION													
100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	1,200.00
7160-01 INSURANCE													
2,025.00	3,200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,225.00
7165-01 LICENSES & FEES													
0.00	0.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
7170-01 MEETING EXPENSES													
75.00	0.00	0.00	75.00	0.00	0.00	75.00	0.00	0.00	75.00	0.00	0.00	0.00	300.00
7175-01 OFFICE SUPPLIES & POSTAGE													
25.00	0.00	0.00	25.00	0.00	0.00	25.00	0.00	0.00	25.00	0.00	0.00	0.00	100.00
7185-01 WEB DEVELOPMENT/HOSTING													
200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	2,400.00
2,425.00	3,500.00	1,900.00	2,050.00	1,950.00	1,950.00	35,050.00	1,950.00	1,950.00	2,050.00	300.00	300.00	55,375.00	
STEP SYSTEM OPERATION & MAINT. EXPENSES													
7210-02 ROUTINE SYSTEM MAINTENANCE													
0.00	0.00	665.00	0.00	0.00	0.00	0.00	1,820.00	0.00	0.00	0.00	0.00	600.00	3,085.00
7215-02 MOWING TAX LOT 800													
0.00	0.00	0.00	0.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00	0.00	0.00	0.00	4,000.00
7225-02 RESIDENCE HOOK UP MONITORING													
0.00	0.00	0.00	275.00	0.00	0.00	0.00	275.00	0.00	0.00	0.00	0.00	0.00	550.00
7240-02 WATER QUALITY MONITORING													
57.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	57.00	684.00
7245-02 REPAIR/MAINT - STEP SYSTEM													
1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	1,100.00	13,200.00
7260-02 SAMPLES, TESTING, REPORTING - DEQ													
0.00	225.00	0.00	0.00	0.00	1,400.00	0.00	0.00	500.00	0.00	690.00	500.00	3,315.00	

Invoice

SAHHALI SOUTH HOMEOWNERS ASSOCIATION
 840 BELTLINE RD, SUITE 202
 SPRINGFIELD, OR 97477
 (541) 746-8444

Invoice Number: 0001801-IN

Invoice Date: 2/28/2022

Salesperson:

Tax Schedule:

WYATT & LINDA ANGELO
 6375 Pelican Point
 NESKOWIN, OR 97149

Customer Number: ANGWYA

Customer P.O.: LOT 49

Ship VIA:

Contact: Terms: DUE UPON RECEIPT

Item Code	Description	UM	Quantity	Price	Amount
1	Common Area Operations DUES FOR LOT 49		1.000	513.820	513.82
3	STEP System Operations DUES FOR LOT 49		1.000	550.410	550.41
2	Common Area Capital Fund DUES FOR LOT 49		1.000	793.650	793.65
41	STEP System Capital Fund DUES FOR LOT 49		1.000	362.070	362.07

*Recd
 3/15/22
 ✓ FF 5955
 \$2,219.95*

Net Invoice:	2,219.95
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	2,219.95

WYSE KADISH LLP
ATTORNEYS AT LAW

900 SW Fifth Avenue
Suite 2000
Portland, Oregon 97204
503.517.8119 *direct*

Patrick T. Foran
ptf@wysekadish.com
Admitted in OR and WA

April 21, 2022

By Email Only (rboyles@meretehotels.com)

Sahhali South Homeowners Association
c/o Richard D. Boyles, Registered Agent
840 Beltline Road, Ste 202
Springfield, OR 97477

**Re: Sahhali South Homeowners Association
Violation of ORS 94.670(11) – Immediate Response Required**

Dear Mr. Boyles:

As you know, I represent owners within Sahhali South Homeowners Association. If the Association is represented by counsel, please forward this letter to the Association's attorney.

On April 6, 2022, on behalf of my clients, I requested that the Association make certain records available for examination and duplication. Under ORS 94.670(11), the Association had 10 business days to respond. To date, the Association has not provided these documents in violation of Oregon law.

The Association must immediately make the following records available for inspection and duplication.

1. All board meeting minutes from 2007 to the present.
2. All Declarant memoranda of consent and action from 2007 to the present, if not available on the Association's website.
3. The names, addresses, and phone numbers of the Association's current directors and officers.
4. All current board resolutions that are not available on the Association's website.
5. The names, addresses, email addresses, and phone numbers of all Association members, if not available on the Association's website.
6. The Association's financial statements from 2018 to the present.
7. The Association's bank statements for both its operating and reserve account from 2019 to the present.
8. All instruments of indebtedness of the Association and any Board resolution authorizing Association indebtedness.

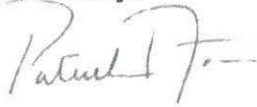
April 21, 2022

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If you fail to make these records available for inspection by Monday, April 24, 2022, my clients may instruct me to file suit. There is no reasonable reason to take this additional step since the law clearly allows my clients the right to inspect these documents.

You may email the documents to me or let me know where they will be available for inspection. I can be reached by phone at (503) 517-8119 or by email at ptf@wysekadish.com.

Sincerely,



Patrick T. Foran

cc: Clients

Boyce and Brooke Heidenreich
P.O.Box 2726
Redmond, WA 98073-2726

April 20, 2022

Mr. Richard Boyles, President
Sahhali South Homeowners Association
840 Beltline Road, Ste. 202
Springfield, OR 97477

Dear Mr. Boyles,

The Sahhali South lot owners named below, representing all of the lots currently owned with the exception of yours, ask that as President of the Association, you call a "ballot meeting" or "special meeting" as provided in Sections 3.6 and 3.9 of the Bylaws of the Association, for the purpose of considering the proposed amendments to the Declaration of Covenants, Conditions and Restrictions of Sahhali South now pending before the Tillamook County Planning Commission.

Thank you.

Sincerely,

Ron and Kathy Clark
Kathryn Hammack
Pam Johnson
Todd Karakashian and Paul Fukui
Ron and Lynell Bohr
Jim and Peggy Richards
Chris and Christine Diani
Boyce and Brooke Heidenreich
Peter and Stephanie Sammons
M. Christine Hauptmann, M.D.
Jiri Vitek
Merrill McPeak
Heidi Heidenreich
Bari Johnson
Lisa Bentson
Tony and Kristy Ryan
Brenda Freshman
Wyatt and Linda Angelo

Cc: Patti Lundeen, Secretary

In the hearing, it became evident that the applicant and his representative seem to be uninformed on Oregon State law regarding Homeowner's associations.

In ORS 94.590, Amendment of declaration by owners,

Subsection 1 states:

(1) (a) The declaration may be amended only with the approval of owners representing at least 75 percent of the total votes in the planned community or any larger percentage specified in the declaration.

Subsection 5 states:

(5) During any period of declarant control, voting on an amendment under subsection (1) of this section shall be without regard to any weighted vote or special voting right reserved by the declarant except as otherwise provided under ORS 94.585 (Authority to amend declaration and initial bylaws to comply with federal or state laws). Nothing in this subsection is intended to prohibit a declarant from reserving the right to require the declarant's consent to an amendment during the period reserved in the declaration for declarant control.

This clearly gives homeowners rights after they have purchased a property, before the development is completely sold. The following 21 lots have been sold out of the 63 currently platted in Sahhali South: Lots 2-3 (Sahhali Shores addition to Sahhali South), Lots 7 – 10, 26 – 29, 32 – 37, 42 – 45, 49. This is 33% of the development. The declarant does not "automatically" have the 75% votes in the community to make these changes. At best, he has only 67%.

Since the declarants application has clearly not followed Oregon laws to protect property owners in planned developments, we respectfully request that the commission not approve items 3 – 5 in the application.

SAHHALI SOUTH

Situated in beautiful Neskowin, Oregon, all homes and townhomes in Sahhali South offer sweeping ocean views. Surrounded by protected wetland, the Oregon Coast Range and the Pacific Ocean, Sahhali is a one-of-a-kind property.

With private access to Oregon's pristine beaches, as well as upscale design, Sahhali South offers luxury living in a vibrant, natural setting. Saunter down the Blue Heron Trail through the property's wetland and woodland, take in the sweeping, Pacific Ocean views, breathe the fresh, ocean air, and build your dream home at Sahhali South.



With over 30 of the 80 acre development conserved as a wetland area, Sahhali South has a strong focus on living harmoniously with the natural surroundings of the Oregon Coast. Single-family lots are available featuring:

- Private access to a secluded beach
- Home can be either owner occupied or used for vacation rentals

SAHHALI SOUTH

Visit SahhaliSouth.com for information on the local area and the neighborhood.



Please feel free to contact us directly with any questions you may have.

We hope you make Sahhali South your home or Oregon Coast getaway!

Courtney Fields, Broker
CourtneyattheCoast@gmail.com
(503) 428-7733
ILovetheOregonCoast.com



COURTNEY FIELDS
REALTOR, OREGON

Sandro Ortega, Broker
SandroattheCoast@gmail.com
(503) 739-4646

SAHHALI SOUTH

Sahhali South

An oceanfront, residential development on the beautiful Oregon Coast featuring townhomes and single-family homes.



<u>Lots:</u>	<u>Acreage</u>	<u>View</u>	<u>Price</u>	<u>Status</u>
Lot 14 Proposal Pt.	.11	Ocean	\$169,900	
Lot 15 Proposal Pt.	.16	Ocean	\$169,900	
Lot 16 Proposal Pt.	.13	Ocean	\$169,900	
Lot 17 Proposal Pt.	.12	Ocean	\$169,900	
Lot 18 Proposal Pt.	.13	Ocean	\$169,900	
Lot 19 Proposal Pt.	.13	Ocean	\$169,900	
Lot 20 Proposal Pt.	.12	Ocean	\$169,900	
Lot 21 Proposal Pt.	.09	Ocean	\$169,900	
Lot 22 Proposal Pt.	.11	Ocean	\$169,900	
Lot 23 Proposal Pt.	.10	Ocean	\$169,900	
Lot 24 Proposal Pt.	.11	Ocean	\$249,000	
Lot 25 Proposal Pt.	.10	Ocean	\$249,000	
Lot 30 Proposal Pt.	.09	Ocean	\$249,000	
Lot 31 Proposal Pt.	.09	Ocean	\$249,000	
Lot 38 Proposal Pt.	.13	Ocean	\$249,000	
Lot 39 Proposal Pt.	.13	Ocean	\$249,000	
Lot 40 Proposal Pt.	.16	Ocean	\$229,000	
Lot 41 Proposal Pt.	.15	Ocean	\$229,000	
Lot 46 Proposal Pt.	.16	Ocean	\$219,000	
Lot 47 Proposal Pt.	.15	Ocean	\$249,000	
Lot 48-A Vanora Ct.	.65	Ocean	\$225,000	Pending
Lot 48-B Vanora Ct.	.41	Ocean	\$225,000	Pending
Lot 50 Pelican Pt	.32	Ocean	\$209,900	
Lot 51 Pelican Pt.	.33	Ocean	\$209,900	
Lot 52 Pelican Pt.	.25	Ocean	\$209,900	
Lot 53 Pelican Pt.	.21	Ocean	\$209,900	
Lot 54 Pelican Pt.	.25	Ocean	\$209,900	
Lot 55 Pelican Pt.	.22	Ocean	\$197,900	
Lot 56 Pelican Pt.	.33	Ocean	\$197,900	
Lot 1 Heron Vw	10.5	Ocean	\$219,900	
Lot 4 Heron Vw	2.43	Ocean	\$184,900	
Lot 5 Heron Vw	5.93	Ocean	\$184,900	

<u>Lots:</u>	<u>Acreage</u>	<u>View</u>	<u>Price</u>	<u>Status</u>
Lot 100 Heron Vw	.11	Ocean	\$169,900	
Lot 200 Heron Vw	.12	Ocean	\$169,900	
Lot 300 Heron Vw	.13	Ocean	\$169,900	
Lot 400 Heron Vw	.10	Ocean	\$169,900	
Lot 500 Heron Vw	.10	Ocean	\$169,900	
Lot 600 Heron Vw	.10	Ocean	\$169,900	
Lot 1100 Heron Vw	.12	Ocean	\$179,000	
Lot 1200 Heron Vw	.13	Ocean	\$179,000	
Lot 13-A Heron Vw	.44	Ocean	\$159,000	
Lot 13-B Heron Vw	.44	Ocean	\$159,000	

PLEASE NOTE: Lots on the map below designated as townhome lots are in the process of receiving county approval to be changed to single family home lots.

