

From: Gjwillan@aol.com

To: continentalre@aol.com

Cc: gjwillan@aol.com; jvoigt100@aol.com; donoralou@aol.com; cal.walsh@gmail.com; rdvorsky2@comcast.net

Subject: May 2011 Walk-Through with S@A - Follow-Up

Date: Sun, May 15, 2011 11:57 am

Attachments: VarsityHollowInspections_05-15-11.doc (35K)

John,

Jim Voigt and Bob Dvorsky represented Varsity Hollow on the Community walk through this past week with members of S&A, Continental and Community representatives. It is our understanding we are to provide you a revised punch list and additional pertinent comments. Our revised punch list is attached. Please note the following important feedback:

1. The original walk-through was conducted with members of VHCA, S&A and Continental in 2009 and a punch list was established and delivered to members of S&A and Continental.
2. All items included on the attached punch list in red are a result of the walk-through just completed in May, 2011, with members of VHCA, S&A and Continental. Items in black on the attached VHCA punch list are open items from the original May, 2009 walk-through. We deleted items from the original VHCA 2009 list that have been rectified by either the VHCA or S&A.
3. Tim Madden did agree to get Panterra to create an official map to include all of the walls. It was requested that this map should also indicate real boundaries and define all of the Master areas.
4. In May/June, 2010, S&A installed numerous trees and shrubs behind the homes on Alma Mater Drive and behind units in the Varsity Lane cul-de-sac. In April/May 2011, we have reported to Mr. Palmer and Mr. Kiefer that several of these trees and shrubs have died and VHCA is within the warranty period. These trees and shrubs require immediate attention and replacement before warranties expire. To date, no action has been taken.
5. The large wall behind 270 Varsity Lane has some problems that need to be repaired. This is one of the most significant problems we noticed on this inspection. Tim Madden agreed during the walk through in May, 2011, that S@A should fix this. This item is noted in the attached punch list.

John, please let me know if you have any questions or require any additional information from the VHCA. We look forward to a collaborative working relationship on the complete list of VHCA outstanding items which should include a written response from S&A, a meeting with Mr. Poole and ultimate satisfactory resolution of our very reasonable punch list items in a timely manner.

Sincerely,
George Willan
President - VHCA

Copy to: VHCA Board Members

From: Richard Hostetter <dick_hostetter@msn.com>

To: John Hanna <continentalre@aol.com>

Cc: Bill Speedy <bspeedy2@comcast.com>; Richard Barger <bargerr@diakon.org>; Neil Casale <neilcasale1@yahoo.com>

Subject: Master Assoc. Walk Around

Date: Sat, May 14, 2011 1:30 pm

John,

Bill Speedy called me to report about the walk around. He said the inspection centered around the retaining walls that were built around the Community. The other punch list items were not discussed. As a result, you asked us to submit our lists to you for further discussion with the Master Board. The following is our list.

1. Improperly installed walls at the rear entrances to some of the units (example Units 109 and 155).
2. Shrubbery planted too close to buildings, especially around Service meters. We have already moved one evergreen because the meter reader wouldn't get in to read the meters.
3. Side walk deterioration at units 133 & 135.
4. Second floor decks showing wear and nail pops. Initial coating was not done well according to some of the construction workers on site during construction.

Rick & Neil, if you have anything else to add, send it to John.

Thanks

Dick

=

From: jcf126@comcast.net

To: continentalre@aol.com

Cc: jcf126@comcast.net; James.J.Sullivan@emcins.com; cliffwurster@comcast.net; bluenwhyte@hotmail.com; dy61psu@gmail.com

Subject: Trees Behind Homes on Presidents Dr

Date: Fri, May 13, 2011 7:30 pm

Attachments: 002.JPG (2705K), 003.JPG (2652K), 004.JPG (2875K)

John,

Earlier this morning, Dave Flick, 210 Presidents Dr said the two trees behind his home and one tree on the left side of his driveway are getting too large to manage. He wondered what was being resolved about vegetation planted by S&A without consultation with the homeowners. Now the trees (remember Keith Forrest has a similar question), are too large to manage. The homeowners are concerned that the root ball could have a negative impact on the upper wall between their home and those on Honors Lane.

Are we any closer to having an answer and plan from S&A?

Chris

P.S. I took additional pictures of the vegetation along that wall. You might want to walk behind the homes to see the potential pressure.

3 Attached Images





From: Robert Roycroft <robert_roycroft@comcast.net>

To: Homecoming Ridge II Condo Association <ContinentalRE@aol.com>

Cc: Tim Madden <tim100@sahomebuilder.com>; Frank Kinter <kinterjr@comcast.net>; Jim McCormick <mccormjs@comcast.net>; Jim Welsh <psu64@msn.com>; Robert Roycroft <rer47@comcast.net>; Terry Stambaugh <terrypsu@comcast.net>

Subject: May 11, 2011 Walk Around

Date: Wed, May 11, 2011 2:53 pm

John,

As a result of today's walk around I have listed the two remaining punch list items for Homecoming Ridge II as well as Mr. Madden's recommended solutions.

First: All upper level deck floors were constructed using improper materials and design. The water proof membrane failed within months of construction. This item has been on our punch list since the very first walk-around more than two years ago. Mr. Madden suggests re-decking using a composite material similar to that used on the decks at Mascot Cove. This solution would provide the long term durability desired by the Homecoming Ridge II Board and owners.

Second: We desire to have both Homecoming Ridge II retaining walls and the hillside between Homecoming Ridge II and Varsity Hollow designated as Master Association responsibility on the site map. We also need some minor re-alignment of the top few rows of block on the southern retaining wall as well as the installation of river stone to provide proper drainage as recommended by Mr. Palmer.

Thanks,
Bob Roycroft

From: jcf126@comcast.net

To: David Young <dy61psu@gmail.com>

Cc: cliffwurster@comcast.net; Ed Searle <bluenwhyte@hotmail.com>; Jim Sullivan <james.j.sullivan@emcins.com>; dcf6630@comcast.net; Continental Management <continentalre@aol.com>

Subject: Re: Walls etc Analysis of Ammendment 2

Date: Sun, May 8, 2011 5:23 pm

Attachments: Amndmnt_2_extract_r1.doc (32K)

Dave (& all),

The problem with the amendment as I read it is that it still doesn't cover all of the affected properties in Tradition Point. Remember the spreadsheet we composed?

Anyway, our house is unit 104, Mimi's house is Unit 122. Every house along Presidents Drive has one or more walls that keep dirt from sliding into an adjoining property. Unit 123 to Unit 141 are the odd number lots/houses along Honors Lane. Virtually everyone of the property lines include one or two of the walls between Presidents Dr & Honors Lane. Unit 142 is 111 Tradition Drive, it is also affected by the upper of two walls. Units 159 to 163 has a low wall behind their houses. And Units 150 to 158 and 170 to about 180 have a wall behind their houses.

It appears to me that based on the dates in the attached documents, we just wasted two-plus years!

So I think the amendment falls short of including all affected properties. We need someone to explain the amendment so we understand who agreed to what based on what and by whose authority. What is the Master Assoc responsible to maintain? The mulch throughout the community or only certain mulch beds? The fences? The walls? What about walls not shown on the map in the Community Center?

When do we have "our" lawyer review the amendment with us? John, Have you been able to schedule something?

Thanks,

Chris

----- Original Message -----

From: "David Young" <dy61psu@gmail.com>

To: cliffwurster@comcast.net, "Ed Searle" <bluenwhyte@hotmail.com>, "Jim Sullivan" <james.j.sullivan@emcins.com>, dcf6630@comcast.net, "Continental Management" <continentalre@aol.com>, "Chris Flavin" <jcf126@comcast.net>

Sent: Sunday, May 8, 2011 12:58:45 PM

Subject: Walls etc Analysis of Ammendment 2

Not sure if this went out earlier. A map which was included may have caused an attached file

size issue.

The attached is based on an analysis of the Tradition Point Declararions. The information was gleaned from a CD which was given to Jims Sullivan at closing of his house by an S&A Salec Consultant.

The amendment as shown is on file a the Recirder of Deeds CentreCounty and as such is officila.

Would like to discuss at the 5/21 meeting.

Dave

Based on the wall discussion at the annual meeting of the Master Association of the Village at PSU, I have tried to reinforce my comments relative to existing legal documents.

In doing this I determined an amendment (#2) exists which was incorporated into the Declaration on or about 3/10/2009 (See below). In order to understand the amendment I have added definitions from the Master Declarations document which clarifies terminology in the amendment.

I have concluded from this analysis, verbiage exists at the Recorder of Deeds which holds the Master Association responsible for the walls, fences, and mulch beds for the Single Family Homes. Additionally since the above amendment distinctly defines the affected elements as being in the Single Family area (see below), there is no reason for any other sub-association agreeing to this amendment.

I would like to add, according to Section 7.1 of the Master Association Declaration, an amendment must be approved by at least 67% of the owners. I am curious how the above amendment ended up being recorded.

For Reference: Article IV (p.11) of the Master Declarations further defines Maintenance responsibilities.

Amendment 2

The Single Family Homes at The Village at Penn State, A Pennsylvania Sub-Planned Unit Development

2nd Amendment to Tradition Point, Sections 1A, 1B and 1C

WHEREAS, by a Master Declaration of Planned Unit Development dated August 13, 2003 and recorded September 9, 2003 in the Office of the Recorder of Deeds in and for Centre County, Pennsylvania in Record Book 1596 at Page 441 and Map Drawer Record Book 1596 at Page 441, **Pinnacle Development, LLC** (hereinafter "Declarant") caused to be created, pursuant to Pennsylvania's Uniform Planned Community Act at 68 Pa. C.S.A Section 5101 et seq. (hereinafter "Act"), a Master Planned Unit Development known as **The Village at Penn State Master Planned Unit Development**; and **WHEREAS**, by a Sub-Planned Unit Development Declaration dated August 13, 2003 and recorded September 9, 2003 in the Office of the Recorder of Deeds in and for Centre County at Record Book 1596 at Page 500 and in Map Drawer Record Book 1596 at Page 500, Declarant caused to be created, pursuant to the Act, a Sub-Planned Unit Development known as **The Single Family Homes at The Village at Penn State**; and **WHEREAS**, said Sub-Planned Unit Development Declaration was amended by a 1st Amendment and Conversion dated August 6, 2004 and recorded September 23, 2004 in the Office of the Recorder of Deeds in and for Centre County at Record Book 1742 at Page 589 and in Map Drawer Record Book 1742 at Page 589; and **WHEREAS**, pursuant to the Act and Article III, Section 3.11 of the Sub-Planned Unit Development Declaration, the Declarant and Executive Board seeks to further amend the Declaration to create a Controlled Facility, being a retaining wall and fencing, together with accompanying landscaping, upon lands known as **Sections 1A, 1B and 1C in Tradition Point**; and **WHEREAS**, certain Units have been sold in those sections, and the Unit Owners wish to consent to and join in this Amendment. **NOW THEREFORE**, the Declarant, Executive Board and Unit Owners herein, hereby declare as follows:

I. That Article III, Section 3.7, entitled Controlled Facilities, of the Sub-Planned Unit Development Declaration, recorded at Record Book 1596 at Page 500 as amended by Record Book 1742 at Page 589, is deleted in its entirety and replaced as follows:

2. Section 3.7 Controlled Facilities.

This section shall be the same as the Master Declaration which shall control and be defined by the Executive Board of the Master Association whose interpretation shall be final and binding, but shall include the following structure:

3.7.1 Retaining wall and accompanying landscaping along the following Units

- a. Tradition Point Section 1A: Units 104 105, 106, 109 and 122; and
- b. Tradition Point Section 1B: Units 139 thru 142, 146 and Units 153 thru 164; and
- c. Tradition Point Section 1C: Units 124 thru 138, 172, 178, 179, 181 and 170.

Said retaining wall and accompanying landscaping shall be maintained by the Association as a Controlled Facility, and the Association has the right and responsibility of access, ingress and egress to the retaining wall and accompanying landscaping for inspection, maintenance and repair. Said cost of inspection, maintenance, repair and insurance shall be a Common Expense.

3.7.2 Fencing and accompanying landscaping along Units 105, 109 and 122 in Tradition Point Section 1A, Unit 142 in Tradition Point Section 1B, and Units 172, 178 and 179 in Tradition Point Section 1C. Said fencing and accompanying landscaping shall be maintained by the Association as a Controlled Facility, and the Association has the right and responsibility of access, ingress and egress to the fencing and accompanying landscaping for inspection, maintenance and repair. Said cost of inspection, maintenance, repair and insurance shall be a Common Expense.

Definitions: (from the Master Association Declarations of the Final Documents for The Village at Penn State Master Association documents as recorded at Centre County 9/9/2003)

- **Controlled Facility:**

"Controlled Facilities" means any Real Estate within the Master Planned community that is not owned by the Master Association that is not a common Facility but is maintained, improved, repaired, replaced, regulated, managed, insured, or controlled by the Master Association.

- **Common facility :**

"Common Facility means any Real Estate within the Master Planned Community, which is owned by the Master Association or leased by the Master Association. The term does not include a unit of any Sub Planned Unit Development.

- **Sections 1A, 1B, 1C:**

Defined in a map that is available in the amendment.

From: jcf126@comcast.net

To: continentalre@aol.com

Cc: jcf126@comcast.net; James.J.Sullivan@emcins.com; cliffwurster@comcast.net; bluenwhyte@hotmail.com; dy61psu@gmail.com

Subject: Prelude to the May 11, 2011 Walk-About

Date: Mon, May 9, 2011 5:49 pm

Attachments: Where_The_Walls_Are_May_9_2011.xlsx (16K)

John,

As you know, I don't think the amendments that Dave Young found helped move the process forward, so I've attempted to take one more survey and build one more spreadsheet.

The attached spreadsheet attempts to list the properties within Tradition Point. Article 3.7.1 addresses where walls are without enumerating how many walls or their placement. Article 3.7.2 addresses fences. Nothing addresses mulch beds, neither is there any description of " . . . accompanying landscape." For instance, will the Master Assoc take Keith Forrest's tree out and repair the property? Will they pay for Jim Gazza to remove Jim McManus' tree? Will the Master Assoc replace all of the mulch throughout Tradition Point?

If there is a RED "Y" on the spreadsheet, that means there is a fence and I didn't see it referenced in the amendments. There is even a reference of a fence that doesn't exist, i.e., Lot # 153, 166 Tradition Dr.

So you might want to share the attached list and this Email with S&A before the "Walk-About". I'll be very happy for them or anyone else to find an error in my spreadsheet.

Thanks,

Chris

TRADITION POINT WALLS FENCES & MULCH BEDS

Amendment?	Unit/Lot #	U.S. Postal Address	Walls . . . Fences . . . Mulch Beds	Lot #
3.7.1	3.7.2	Address		Lot #
ADDITIONAL				Behind
		<u>Presidents Dr</u>		
Y	104	126	Wall between 104 & 105	142
Y	105	134	Wall between 104 & 105	140
Y	106	140	Back Wall is on Lot # 139	139
Y	107	146	Back Wall is on Lot #s 139 & 138	139 & 138
Y	108	152	Back Wall is on Lot #s 138 & 137	138 & 137
Y	109	158	From a frontal view, wall on right side between 109 & 110	137
Y	110	164	Wall between 109 & 110	136
Y	111	170	Back Wall is on Lot # 135	135
Y	112	174	Back Wall is on Lot # 134	134
Y	113	180	Back Wall is on Lot # 133	133
Y	114	186	Back Wall is on Lot # 132	132
Y	115	190	Back Wall is on Lot #s 131 & 130	131 & 130
Y	116	194	Back Wall is on Lot #s 130 & 129	130 & 129
Y	117	200	Back Wall is on Lot #s 129 & 128	129 & 128
Y	118	204	Back Wall is on Lot #s 128 & 127	128 & 127
Y	119	210	Back Wall is on Lot #s 127 & 126	127 & 126

TRADITION POINT WALLS FENCES & MULCH BEDS

Amendment?	U.S. Postal			
3.7.1	3.7.2	Unit/Lot #	Address	Walls . . . Fences . . . Mulch Beds
ADDITIONAL				Lot # Behind
Y		120	216	Back Wall is on Lot #s 126 & 125
Y		121	220	Back Wall is on Lot #s 125 & 124
				Side Wall is between Lot #s 121 & 122
			<u>Honors Lane</u>	
Y	Y	122	207	Back Wall between Lot #s 122 & 121
		123	197	Lot # 122's wall extends onto Lot # 123's property
				Upper wall from Lot # 124 extends onto Lot # 123's property
Y	Y	124	187	Upper Back Wall on This Lot
Y	Y	125	177	Upper Back Wall on This Lot
Y	Y	126	House Built	Back Walls on This Lot
Y	Y	127	Empty Lot	Back Walls on This Lot
Y	Y	128	Empty Lot	Back Walls on This Lot
Y	Y	129	Empty Lot	Back Walls on This Lot
Y	Y	130	153	Back Walls on This Lot
Y	Y	131	149	Back Walls on This Lot
Y	Y	132	145	Back Walls on This Lot
				Sidewalk/Stairs from Presidents Dr to Honors Ln between Lot # 132 & 133
Y	Y	133	141	Back Walls on This Lot
				Sidewalk/Stairs from Presidents Dr to Honors Ln between Lot # 132 & 133
Y	Y	134	137	Back Walls on This Lot
Y	Y	135	133	Back Walls on This Lot
Y	Y	136	127	Back Walls on This Lot
Y	Y	137	123	Back Walls on This Lot
Y	Y	138	117	Back Walls on This Lot
Y	Y	139	113	Back Walls on This Lot

TRADITION POINT WALLS FENCES & MULCH BEDS

Amendment?		U.S. Postal					
3.7.1	3.7.2	Unit/Lot #	Address		Walls . . . Fences . . . Mulch Beds		Lot #
ADDITIONAL							Behind
Y	Y	140	107	Back Walls on This Lot			106 & 105
Y		141	103	Lower Wall continues from Lot # 140 around the side of Lot # 141			142
		Honors Ln meets Tradition Dr					
		164	104	Wall between Lot #s 164 & 163	Wall around utility units		163
		165	116	Low wall			163 & 162
		166	124	Low wall			162 & 161
		167	128	Low wall			160 & 159
		168	132	Low wall			159
		169	138	Low wall			159
		Tradition Dr meets Honors Ln					
Y		170	144	Wall & fence between Lot #s 170 & 171	From frontal view, wall on left wraps around left side of house		158
		171	148	Wall out back wraps onto Lot # 158	Sidewalk/Stairs from Honors Ln to Retaining Basin between Lot #s 171 & 172	Lower wall starts at Lot # 171 and goes to Lot # 154	158
Y	Y	172	154	Wall between Lot #s 172 & 173	Sidewalk/Stairs from Honors Ln to Retaining Basin between Lot #s 171 & 172		Basin
	Y	173	158	Wall between Lot #s 172 & 173			Basin
	Y	174	164				Basin
	Y	175	168				Basin
	Y	176	172				Basin
	Y	177	178				Basin

TRADITION POINT WALLS FENCES & MULCH BEDS

Amendment?		U.S. Postal					
3.7.1	3.7.2	Unit/Lot #	Address	Walls . . . Fences . . . Mulch Beds		Lot #	
ADDITIONAL						Behind	
Y		156	180	Mulch Bed	Wall between Lot #s 156 & 157	Lower wall starts at Lot # 171 and goes to Lot # 154	None
Y		157	184	Mulch Bed	Wall between Lot #s 156 & 157	Lower wall starts at Lot # 171 and goes to Lot # 154	None
Y		158	188	Mulch Bed		Lower wall starts at Lot # 171 and goes to Lot # 154	None
Y		159	179				
Y		160	169				
Y		161	159				
Y		162	149				
Y		163	139	Wall between Lot #s 163 & 164			