

Madam Chair and members of the House Local Government committee. I want to thank you for giving me the opportunity to testify in support of HB 2629. I would like to share with you my turbulent story with our Home Owner's Association, and how I had to basically sue my neighbors to get our board to follow your existing policy.

We moved into Parkhill Manor community in Olathe, KS in 2009. Not long after moving in we sensed something was not right when current HOA board member and resident of Parkhill Manor in an instant became the Property Manager. There were no bids and no communication as to the change. It was also discovered that the HOA board had turned over the PHM checkbook and check writing duties to the Property Manager, which was a violation of the bylaws. I have asked the HOA board for the past 8 years to be more transparent with the Association members during this entire period.

Believe it or not, even after we prevailed in a lawsuit in November 2017 in Johnson County to get the records required by law, there are still exist records that should be made available to the entire Association that are not being provided.

- Meeting minutes, budgets, financial records, etc are not provided, and when/if they are finally posted, it is not in a timely manner.
- Jonathan Young (Property Manager -Haven Property Management) and current resident in Subdivision had the HOA checkbook for 8 years and wrote checks on our behalf. He is not supposed to do that. Only the HOA Board members are authorized per the bylaws.
- Services do not appear to be put up for bid and the services seem very high in cost. If they are getting bids no one tells us and no records are available... \$12,000 to repave the pool parking lot seems excessive
- Bylaws evolve and change (written in) whenever HOA board members want a change despite HB2472 in January 2011.
- Property Manager is supposed to conduct audits each month of the subdivision. I don't think that happens for nothing seem to change. We have asked Jonathan Young to post the audits and his findings. Nothing to date. The community has a bad reputation and ultimately property values are effected. Residents post negative comments on enighbors and facebook. Some are moving out because of the direction we are going
- Houses are run down, boats in driveways, trash cans out all of the time, unapproved paint colors, sheds, etc and nothing is ever done to address.
- I was on the board at one time and was asked to be the Treasurer. I said there was no way I was going to participate in this activity when the Property Manager was writing the checks and not following the bylaws. I was removed from the board without even knowing I was removed.
- The HOA board told us that things around here are done the way they wanted things done, not by how we wanted things done.
- There is certainly a sense that some board members are enamored by Jonathan Young and that culture/behavior has certainly negatively affected the subdivision.
- Haven Property Management and Jonathan Young appear to move offices, emails, and contact information frequently without notice.
- It took 8 months to get all of the records required by law from the HOA board. It also took a lawsuit in Johnson County and \$10,000 of the Association \$\$\$ to get them and this was not necessary. The board is now saying it is not their fault and takes no responsibility for ensuring the records are maintained and accurate. They are blaming the Property Manager who works for them.
- The bank statements and checks for the HOA for the past 5 years are currently under review by law enforcement authorities but not available for homeowners in PHM to see.

It has been a very long and challenging 8 years to try and make positive changes in the community. HB2472 in January 2011 went a long way to establish what needed to be done. However, while HB2472 certainly set the ground rules for HOA's to follow there are no remedies without having to take significant legal steps/actions at the expense of the HOA Association members and the HOA board members know this. In my case they thought that would out last me and I would go away and forget everything. That did not happen. The HOA bank statements and checks recently received were never to be made public because they appear to show some malfeasance on the part of the board. HB2629 is absolutely essential to the residents of the State of Kansas. To ensure complete transparency by all HOA's.

So, again thank you so much for this opportunity. I ask for your support of this bill, and will stand for questions at the appropriate time.

Respectfully,

Scott Wircenske