

March-April 2026

## THE BOARD

The Board and Advisory committees have been extremely busy the last 2 months.<sup>1</sup> One of the issues was obtaining a new insurance policy. Not easy to find as we are considered “high risk” due to the lawsuits.<sup>2</sup> This new policy is costing us \$15,000 per year and has to be paid at the start. As a result, we are going to borrow \$15,000 from the Reserve Account and pay back monthly.<sup>3</sup> This was approved by the Board.

## TREASURERS REPORT

The monthly statements are posted in the portal. Even with all the projects coming up (see reserve committee) we have enough money in the reserve account to cover any emergencies.

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<sup>1</sup> The increase in the amount of the board’s work is the direct cause of the failure of the board that was elected on 3/5/2024, and its Architectural Control and Carino Lane committees. to comply with their duty to protect Carino Lane by **(1)** preventing Southridge Builders from removing the buttress on Lots 70, 72 and 73 that the Declarant installed in Summer 2017 and which prevented landslides on these three lots for the next six winters, and **(2)** failing to enforce Southridge to comply with City of Medford Municipal Codes (“MMC”)10.929 to 10.933 “Hillside Ordinance”. Read “Standards for Erosion Control”, in MMC 10.931(6): <https://medford.municipal.codes/Code/10.931> Most other corporations would fire the directors and committees whose egregious “do-nothing” policy caused the devastating consequences of their Carino Lane disaster. But this does not apply to our board nor to its committees. However, one-by-one, four of the board directors who were installed on 3/5/2024 had left their positions by December 2025. Conversely though, one board member who was a member of the Carino Committee and who should have been termed-out by December 2024, is now the **tenured board-president-for-life**. In addition to the board’s “*extremely busy*” workload is the stupendous amount of expenditures that are a direct result of the 100% preventable Carino Lane disaster of January 2025. Yet several of the 2024 board and committee members who were accomplices in the creation of the Carino Lane disaster remain securely on the board, or on the anonymous and amorphous “*Advisory committees*”.

<sup>2</sup> What are “*the lawsuits*”? Who is suing whom? If the board and its committees had protected Carino Lane there would be no lawsuits; but they didn’t - all they did in 2024 was talk for ten months. Has the board initiated lawsuits against other parties? If so, the board must comply with ORS 94.662 “*Notice to owners of intent to commence legal proceedings; owner right to opt out; meeting required prior to construction defect claim; meeting notices*” and send out a “WARNING” to each BVH homeowner?

<sup>3</sup> See ORS 94.595(6)(b)(B) is the loan repayment statute.

## RESERVE STUDY COMMITTEE<sup>4</sup>

The committee walked the community to list what we own, its condition and compare it to the last reserve study.<sup>5</sup> A new spread sheet was presented that identified: date in service and replacement years for each reserve item.<sup>6</sup> These items are chainlink fencing, wood fencing, cluster mailboxes, private street maintenance, curb repairs on La Strada, landscaping/irrigation, stone retaining walls, bark mulch, waterfall landscaping, storm drains, plant replacement, retention ponds, entry lights and street lights The Ag buffer will be addressed at a later time.

The committee identified those items that need to be

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<sup>4</sup> Bylaw 5.1. states (**emphasis** added): “General. The Board may appoint such committees as it deems appropriate to perform such tasks and to serve for such periods as the Board may designate **by resolution**. Each committee shall operate in accordance with the terms of such **resolution**.” An HOA board “resolution” should state: **(1)** Purpose of the resolution **(2)** A clear statement of the decision or policy **(3)** Actions the board is taking to address the concern **(4)** Where the board draws its authority to make such decisions **(5)** The resolution’s effective date. The board must ensure that its resolutions are published and distributed to all the homeowners. A resolution should be recorded with the Oregon Jackson County Recorder just as elected officers are.

<sup>5</sup> Where is this “last reserve study” to be found? It is not in the AMS Portal. All previous Reserve Studies did not comply with ORS 94.595; from 2015 onwards, all were unfit-for-purpose. On 1/29/2020, I sent an email to a homeowner (who is now a member of the current Reserve Study Committee) which showed that do-it-yourself reserve studies were feasible. By 2020, after I read ORS 94.595 that is Oregon’s statutory requirement for a reserve study, I realized that this statute has been ignored since 2015.

<sup>6</sup> ORS 94.595 has definitions in the paragraphs 2(a), 3(a) and 3(c) as follows: **2(a)** specifies common property items with an expected remaining life of more than 1 and less than 30 years; **(3)(a)** *The board shall annually determine the reserve account requirements by conducting a reserve study or reviewing and updating an existing study using the following information:*

- (A) *The starting balance of the reserve account for the current fiscal year;*
- (B) *The estimated remaining useful life of each item for which reserves are or will be established, as of the date of the study or review;*
- (C) *The estimated cost of maintenance and repair and replacement at the end of the useful life of each item for which reserves are or will be established;*
- (D) *The rate of inflation during the current fiscal year; and*
- (E) *Returns on any invested reserves or investments.*

and **3(c)** *The reserve study shall:*

- (A) *Identify all items for which reserves are or will be established;*
- (B) *Include the estimated remaining useful life of each item, as of the date of the reserve study; and*
- (C) *Include for each item, as applicable, an estimated cost of maintenance and repair and replacement at the end of the item’s useful life.*

A statutory reserve study that complies with **2(a)**, **3(a)** and **3(c)** **can be done on an Excel spreadsheet**. Two essential requirements influence the value of a reserve study: **(1)** there must be a complete inventory of all common property items which also describes each item’s condition as this determines the item’s remaining useful life estimate, and **(2)** for each common property item there must be a comprehensive history of the item’s date of installation and all the details of the repairs and maintenance that have been done to the item since it was installed.

addressed in 2026.<sup>7</sup>

1. Fencing - repairs and paint on the park and N. McAndrews.
2. Curb repairs n La Strada, which is a one-time expense.
3. Crack seal on La Strada.

The cost of the above is roughly \$40,000 <sup>8</sup>.

The Board approved the budget and to begin with the necessary repairs. Those of you who will be affected by any of the above, will receive notice of the date and time the work will begin.

The Reserve Account was established specifically to maintain and/or replace these items over a number of years. Under the Declarant, things were either not maintained or done poorly.<sup>9</sup> Our goal, over the next few years, is to bring our community back up to the standard it

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<sup>7</sup> Where are the written reports, documents, minutes of the “Reserve Study Committee”. No board since 2024 has ever passed a **resolution** to form a “Reserve Study Committee” (“**RSC**”). The formation of a RSC does not appear in any board minutes. But now it appears that a self-appointed RSC with only one named member (Dana Henderson) is recommending large expenditures of BVH’s reserves when insurance and litigation costs loom on the horizon. Who are the other members of the RSC? What are the itemized costs of the three items that are needing to be addressed in 2026 and before the association’s costs of the litigation and insurance have been finalized by arbitration or by a court? Why is there such a rush to (1) paint these fences, and (2) fix the one and only 10ft section of the damaged curb. The so-called 2025 Reserve Study contains the following abbreviated details on page 10: “Paving-Asphalt-Repair, Crackseal, Sealcoat 79,470 Sq.Ft. \$ 0.30 \$ \$24,437 ..... 2025 .....Responsibility is limited to Carino Drive Tract F (17,877 sq. Ft), Sorrento Lane Tract E (6,521 Sq. Ft.) and, Camina Drive Tract G (6,572 Sq.Ft.) La Strada Circle (48,500 Sq. Ft.)”. Points to note: (1) La Strada is 61% of the total private streets’ square footage. (2) the total cost to crackseal all the private streets id \$24,437. (3) 61% of \$24,437 = \$14,662. What are the current estimates for cracksealing all the private streets and is there any saving to be gained by only cracksealing La Strada? With an estimate of 10% inflation since 2024, a crackseal of La Strada will cost roughly \$17,000. This would be a saving of \$23,000. The La Strada wooden fences are not in urgent need of staining they can be left off until the cost of the Carino debacle has been cleared up. Only the parts of the N. McAndrews fence visible from the street need to be stained.

<sup>8</sup> Why is this “cost” “roughly \$40,000” and not more accurate? Of the three items that this rough estimate covers: (1) Fence repair and painting has never before appeared in any Reserve Study (“RS”). (2) where are these broken curbs and (3) what’s the cost of this crackseal?

<sup>9</sup> The unacceptable status of BVH’s reserve studies was brought to the attention of Crystal Lake and QPM, it was them brought to the board’s attention at the board meeting on **Thursday, October 5, 2023**, ( <https://www.bvhaccess.com/board-minutes> ); but the situation has not changed since then. In fact it is now worse as the board failed to complete a reserve study for 2026 and AMS’ Portal contains no reserve studies. Note that, in paragraph 5 of the board meeting on Thursday, October 5, 2023, only two homeowners expressed concern about the inadequacy of the reserve studies. The board and its entourage of anonymously staffed committees must stop blaming “the Declarant” (there were six declarants from 2004 to 2024); the board and its entourage *might as well blame the City of Medford Planning Department* for approving a development that was “done poorly”.

should be.<sup>10</sup>

## CARINO UPDATE

We are having our 2nd mediation meeting on May 19.<sup>11</sup>  
If no resolution at that time, we will proceed with going to trial in July.

Fingers crossed we can remove that giant blue tarp soon.<sup>12</sup>

## ACC COMMITTEE

Lawn care: reminder to keep lawns mowed and fertilized.

Wood fences: Some homes fences need restaining, especially those parts facing the street. Please check out your fence. Stain color: Sherwin Williams, Toasted Spice.<sup>13</sup>

Parking: reminder that personal vehicles are to be parked in your driveway or garage. Street parking is for

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<sup>10</sup> Where is this “standard” defined? One standard could be how well the board obeys the Governing Documents (i.e., the Oregon Statutes, the Declaration and the Bylaws). Another standard could be how well the board preserves the value and marketability of the owners’ homes, as well as maintaining monthly dues that conform to comparable HOAs. They board scores an “F” on both.

<sup>11</sup> Who are the parties involved in this “mediation”? Why has the board since 3/5/2024 kept these basic details secret?

<sup>12</sup> The board and the Carino Committee authorized “that GIANT blue tarp”. The board explained this at the 1/12/2026 meeting. Unless Southridge replaces the buttress, or installs an alternative and equally as effective replacement, on Lots 70, 72 and 73, then full erosion/landslide prevention must be restored to Lots 70, 72 and 73 by November 1, 2026 (in only five months!). So **(1)** leave “that GIANT blue tarp” alone, or, **(2)** before 11/1/2026, replace it with a different colored tarp **chosen by, and paid for by, those owners who find blue so distasteful.**

<sup>13</sup> The Architectural Control Committee (there is no such thing as a “Change” committee) has not published any **definitive** fencing standards since the departure of the last Declarant. (Or published anything worthwhile for that matter). The AMS Portal has no visible fencing standards. The requirement for a single fence stain color was published in June 2025 as the “BELLA VISTA HOMES HOMEOWNERS ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE (ACC) GUIDELINES Condensed Version” . In 2013, the required fence stain was: Sherwin Williams- Toasted Spice—SW8554-1839 . First contact Sherwin Williams at 2560 Crater Lake Hwy Ste A, Medford, OR 97504-4172 (541) 770-5850 or 1361 Center Dr Ste 110, Medford, OR 97501-7902 (541) 779-0223 .

short term guests.<sup>14</sup>

## NEIGHBORHOOD WATCH

All is good!

Happy May Day  
Judy Henderson

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<sup>14</sup> **Parking on a city street is governed by city rules, *not*** by the association. See: <https://medford.municipal.codes/Code/6> . The private streets in BVH are: **Tract A.** East and West La Strada Circle. **Tract E.** Sorrento Lane northwards from Palermo Street. **Tract F.** Carino Lane. **Tract G.** Camina Drive eastwards from East Veneto Circle. The ACC that was created after 3/5/2024 never published an intelligible set of parking rules for BVH's private streets. If a person who is not a member of the association parks a vehicle on a private street **there are no parking rules notices posted on the private street lights that clearly explain the parking rules.** It will be helpful if the ACC or the board posted parking rules notices on the private street lights on all the private streets, just like many cities post their parking rules on their city-owned streets.