

HIGHLAND LAKE PROPERTY OWNERS ASSOCIATION
A response from Barb Jolley regarding the decision on the legal matter

OK - SO WHAT DOES THIS MEAN?

There are many who have read the attached judgment that has been distributed around the neighborhood. The shore reps are hearing all kinds of questions and are looking for some direction from the board. A brief and simple explanation is that the judge ordered the three defendants not to use motors on the lake, with the exception of a single 36 volt electric trolling motor with a battery not to exceed 36 volts. He did not grant them the right to use the motors; he ordered them not to use motors and made an exception.

Members of the board feel that if we restrict this ruling to the three people named in the lawsuit we would again be in court attempting to stop additional people from doing the same thing and feel that this is not worth the effort. Most of the board members are of the opinion that we should simply expand the ruling of the judge to include the entire community. It would be easier to police someone using an illegal form of motor than to attempt to police anyone using a motor.

Having a court ordered allowance of trolling motors on the lake essentially eliminates the rules and regulations section that relates to the handicapped. And the only real issue at this point with regard to the motors is that they should not be left in any of the parks or fire lanes where a motor left in a boat could be easily stolen or taken for a joyride.

An issue has come up and is causing extreme concern. It has been noted that some guests of homeowners are bringing their own boats and motors onto our lake. It is the opinion of this president and several other board members that our regulations regarding boats clearly state that only boats that belong to property owner's or their properties are allowed. Aside from the obvious reason, there is the issue of contamination of our lake by something brought in on another boat. We have tried for a long time to prevent contamination of our lake and feel that this is a necessary rule. It is further recommended that all boats shall have a Highland Lake boat sticker affixed to each side of the boat clearly visible at a distance. In addition, all boats shall have their Highland Lake boat numbers affixed to each side of the boat clearly visible at a distance as instructed in the rules and regulations.

The members of the board are developing language for a revised section of the rules and regulations that pertain to boats. This revised language will be reviewed and voted on at the next board meeting.

The policing of the motors on the various boats on the lake is essentially the responsibility of everyone out there who cares enough to look and pay attention to what's going on around them. If concerns are raised about illegal trespassers bringing boats onto the lake, approach them. You have the ability to look at what is there and the ability to ask them who they are and what they're doing. It is the responsibility of every member of this community to know what the rules and regulations are regarding activities on the lake. The homeowner's directory was developed so that anyone could take it with them out onto the lake to be able to determine if someone belongs there or not.

If it is determined that a trespasser or a guest of a resident has launched a boat contrary to the rules, the homeowner should be notified either face-to-face or by telephone. If a problem arises as a result of this notification then the board could issue a letter to the homeowner advising them that the revised rules and regulations do not allow nonresident boats to be launched on this lake.

In his ruling, Judge Hoffman did acknowledge that the HLPOA rules and regulations are valid. This is one of the things that we feel we gained as a result of this court action.