

FIELDING
COVENANT
COMMITTEE

HAL NORMAN	TOM LILLY	KEN HENSLEY
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Merifield Acres

January 31, 2003

Clarksville, Virginia

Dear Neighbors,

We of the Fielding Covenant Committee are writing this letter to you today because we have settled our major differences with MALA, and, along with them, the Fielding Covenant issues. Since we last wrote to you in May, the MALA board asked Dr. Richard Allen (a board member who resides in the Fielding area) to form a Special Committee to investigate the Fielding Covenant issue, and to attempt to find an amicable solution. The Fielding Covenant Committee and the MALA Special Committee met in early September and reached an agreement regarding a solution that satisfied both our groups. In brief, MALA has agreed to do or has done the following:

- 1) MALA's Special Committee recommended to the MALA board that it present to the general membership, with its recommendation for approval, an action that will rescind the September-August 2000 action regarding the Fielding Covenants. At the December 10, 2002 Board meeting, the MALA board *unanimously* recommended to the general membership that it ratify this action. Approval is expected given the unanimous recommendation;
- 2) Upon approval of this rescission action by the general membership, MALA will file with the Clerk of the Court of Mecklenburg County a statement nullifying its filing of September 22, 2000; stating that it recognizes Fielding property assessments are voluntary; and that Fielding property owners retain their original covenants;
- 3) MALA will publish this action in its newsletter;
- 4) MALA will notify Fielding residents that all assessments are and have always been voluntary, and that any such resident who has since September 2000 paid assessments under the impression that they were mandatory, may request a refund by writing to MALA;
- 5) MALA will stop the sale or issue of disclosure packets to sellers or purchasers of Fielding properties, as they are not subject properties. MALA may sell or issue disclosure packets to prospective buyers or their agents of non-subject property, provided they have notified such buyers or agents that purchase of such packets is not a requirement for purchase of Fielding property, and as such is voluntary.

This agreement *completely* reverses the matters to which the Fielding Covenant Committee has been objecting for the past two years. It is also a clear indication that the implied legal threat to Fielding owners has ended. As such, we no longer see the need to

prepare for a costly legal battle, and *we therefore will recommend that Fielding owners pay the full amount of the voluntary contributions requested by MALA.* If you paid the "assessments" under the mistaken impression that they were mandatory, we ask that you consider leaving the funds with MALA, knowing that your donation will help improve the value of our neighborhood. In reaching this agreement, MALA will be depending upon our contributions to maintain the current road program as long as possible, until additional long-term solutions can be worked out. Note that our agreement with MALA depends upon the vote of the general membership to ratify the Board's recommendation; in the unlikely event that the membership votes against ratification, we would have to reevaluate the situation.

In return, the Fielding Covenant Committee has agreed to help MALA in its quest for a long-term solution to the road problem, including such possibilities as bringing some Merifield roads into the public domain. We have also agreed to encourage all Fielding owners to pay their voluntary dues, as MALA has now indicated their desire to work together with us to produce solutions. This has the potential to work more effectively for all of us in the future, as we strive and work for common goals that will make Merifield Acres a better place in which to live. As such, the Fielding Covenant Committee will not dissolve, but will continue to work with MALA on the problems that arise. One of our objectives will be to keep in touch with MALA so that such a large-scale misunderstanding will not happen again, and to provide a common voice for Fielding owners so that our concerns can be discussed both among ourselves and with the MALA Board.

Our next communication with you should be after the general membership votes to reverse the action taken in September 2000. Upon ratification of this agreement, we will report back to you that our original mission has been accomplished, and we will have for you more details of our plans to uphold our side of the bargain.

Sincerely,

Hal Norman	Ken Hensley	Jack Hunter	Michael Walsh
Tom Lily	Richard Wikle	William Carroll	Scott Jeffrey
J. Linton Farmer	Craig Knepp	Dennis E. Smallwood	

Committee for MALA Recognition of Original Fielding Covenants
(Fielding Covenant Committee)

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