

A Brief History and Perspective of the Fielding Covenant Committee and MALA

September 19, 2009

The Fielding Covenant Committee (FCC) was initially founded in 2001 in response to MALA's attempts to alter our original covenants without our consent. Our initial mission was to protect our covenants and property rights as defined by law. We successfully defended our covenants in a campaign lasting over two years, and reached a mutually agreed-upon settlement with MALA in January 2003. During this confrontation, we learned that a number of misconceptions were involved in the process leading up to it.

Because of these misunderstandings, it was our intent to stay active in the community and act as a liaison between the voluntary owners and MALA. However, the lull of peace was so great as to promulgate a general lack of interest, and FCC went dormant until this year.

MALA was formed on July 7, 1973 by Fielding, Holly Point, and other "voluntary" property owners, approximately three years before Merifield Inc. was formed and began development of the new areas. These new properties carried with them covenants that required mandatory assessments, payable to MALA on an annual basis. The original residents of Merifield Acres also had covenants attached to their property, but they specified no assessments. This disparity has caused frustration throughout Merifield Acres. A significant number of the voluntary property owners do not make any contributions to the association or for the roads. This has caused misunderstanding and bitterness on both sides: The Merifield Inc. people understandably feel shortchanged when the voluntary folks do not contribute; the voluntary owners feel slighted when questionable or unlawful actions are taken against them or their property.

Let's analyze the situation a bit more closely, first from the perspective of the voluntary owners: these property owners purchased their properties with covenants not requiring paid assessments. Thus, there is no legal requirement that they pay any assessment, and there is nothing that MALA or anyone else can do to change that without each property owner's individual consent. It is their *legal right not to pay*, even if they take advantage of the maintenance for which others pay. From our experience over the years, it is obvious that attempts to shame non-payers into contributing, or unlawful attempts to collect simply do not work. This approach instead alienates the voluntary area owners who do pay, and a number of those pay considerably more than the minimum requested.

From the perspective of the mandatory area owners, there is likewise an understandable frustration, as some of the voluntary owners have never paid or have gone for years without paying their share of obviously needed road funds. The mandatory area owners and the voluntary owners who do pay are undeniably carrying the weight of those who do not. But we all need to accept this as reality, for we can do nothing about it in terms of legal action. We must *convince*, not force.

The approach that we recommend is that of inducing a spirit of cooperation among the various areas of our community. We can do this by keeping communications open, and, as mentioned in our letter, by closer observation of the activities of our Board. Much of the past divisiveness in Merifield Acres over the years has come from a very few individuals serving on the board who wanted to force solutions on the entire voluntary areas, although a large percentage were paying voluntary contributions in amounts equal to or exceeding the requested amounts.

It is important that those serving as MALA board members realize that **there are presently no short-term legal solutions to our problem**. The solution needs to come from cooperation and communication, and seeing that the Board works with everyone rather than pursuing "solutions" that

only serve to divide the community and alienate the volunteer sections.

It is in this spirit that the Fielding Covenant Committee has resolved to remain active after having achieved its primary goal of keeping our neighborhood and the Association united, and having maintained the status of contributing voluntary owners as full members of the Association. It is our intent to formally organize and act not only as a liaison between MALA and the property owners, but also as a watchdog committee who will act in communicating the activities of the Board to the membership, and vice versa. While our name indicates our membership might be limited to Fielding area owners, this is not the case. All residents of Merifield Acres are welcome to join us; anyone who has an interest in the fair and open governance of our association is welcome. If the adversarial relationships of the past are kept in the past, then the voluntary owners will be much more likely to contribute and participate.

A final note: Our group has been assailed in the past for being "a bunch of freeloaders looking to evade our responsibilities" (or some such generic wording). Since our founding, we have been committed to the fair sharing of community and road expenses, and none of us have joined FCC in order to escape our dues. It is our desire to see MALA work with us and you to solve our longstanding issues by legal and ethical means, and to understand that a content community will be much more accommodating when the hat is passed around. And we do **exhort, urge and encourage all voluntary owners to make the contribution requested of them!** If anyone hasn't yet made their contribution for the year, then doing so will allow you to vote at the annual meeting. For the reasons stated in the accompanying letter, your vote is important this year!

-Members of the *Fielding Covenant Committee*