

## David Lothspeich

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**From:** Rudyavon [rudyavon@aol.com]  
**Sent:** Thursday, April 21, 2011 6:10 AM  
**To:** David Lothspeich  
**Subject:** Fwd: Herons Landing Update: Municipal Water Project & Other Important Topics

David:

This project is totally out of control. We need your help and unbiased support.

Rudy Endrizzi  
5910 RFD  
847-913-0422

-----Original Message-----

From: Rudyavon <rudyavon@aol.com>  
To: hlhaboard <hlhaboard@gmail.com>  
Sent: Sun, Apr 17, 2011 2:59 am  
Subject: Re: Herons Landing Update: Municipal Water Project & Other Important Topics

I do not approve to pay for the engineering plans before the IGA approval and any costs until there is a total re vote by the homeowners to proceed with the entire project due to all of the major unanswered issues.

Many residents are confused and some have rescinded their initial consent. You also stated that any materiel change will call for a halt to the project and will require a new vote by the community, so why proceed with this engineering plan?

I do not understand the Boards reasoning for incurring these costs in advance of all of these unknowns . Ex. Keeping our wells, bond costs for those that pay up front and those that do not, inaccurate LM water and sewer costs, etc, etc, etc.

I also do not approve of any covenant changes without the proper legal, notification and agreement by the residents as outlined in our current covenants.

Rudy Endrizzi

5910

-----Original Message-----

From: Herons Landing Homeowners Association <hlhaboard@gmail.com>  
To: hlhaboard <hlhaboard@gmail.com>  
Sent: Thu, Apr 14, 2011 4:37 pm  
Subject: Herons Landing Update: Municipal Water Project & Other Important Topics

Dear Herons Landing Neighbors,

We wanted to provide updates on the Municipal Lake Michigan Water Project and other important topics, as well as ask for your feedback. Please see the attached letter.

*Your HLHA Board*

4/25/2011

## David Lothspeich

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**From:** arellev@aol.com  
**Sent:** Monday, April 25, 2011 5:00 PM  
**To:** David Lothspeich  
**Subject:** Fwd: Municipal Lake Michigan Water Update

-----Original Message-----

From: arellev <arellev@aol.com>  
To: hlhaboard <hlhaboard@gmail.com>  
Sent: Sun, Apr 24, 2011 3:25 pm  
Subject: Municipal Lake Michigan Water Update

Regarding the option to pay for the engineering in advance and make another special assessment of \$1,000.00 per household in addition to the \$500.00 assessment already charged to homeowners.

I do not approve of this special assessment. This entire project is pure folly from day one. This is just the beginning of throwing money down the well with no end in sight.

In case you have not noticed the many for sale signs popping up in our once lovely and charming Heron's Landing. It is sad to see so many wonderful families leaving because of this water project. I have lived here for almost twenty years and have loved my home as it holds a special place in my heart.

Long Grove has always been on wells and no secret was made of this and it has prospered. The wells are not running dry and to use this as a scare tactic to the homeowners is inappropriate.

I have used Water Specialties for 17 years and have been very pleased with them. My water is one of the worst in Heron's Landing and runs beautifully on the peroxide system. There are many reports on the terrible quality of Lake Michigan Water. My water is tested often and I feel perfect living with my well. If you take care of your well it will take good care of you.

Should anyone wish to contact me I am available. Sincerely, Renee Levine Lot 52

4/25/2011

**David Lothspeich**

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**From:** kgiacomino@comcast.net  
**Sent:** Saturday, April 23, 2011 1:57 PM  
**To:** David Lothspeich  
**Subject:** Herons Landing Water Issue  
 April 22, 2011

Dear Mr. Wolfe & Board

Your letter dated April 14, 2011 asked for some feedback, so here you go.

#1 I have been in contact with the law firm of Dickler, Kahn, Slowikowski & Savell LTD and recommend retaining them for the residents of Herons Landing. I also recommend discontinuing the services of Michael Kim because of his bias interpretation of our covenants.

In regards to our covenants being dated, you are 100% incorrect. The covenants are the rules for Herons Landing until they are amended and recorded according to not only our covenants, but also according to the Common Interest Community Association Act (CICA Act). The Constitution of the United States has protected the rights of American Citizens since 1789, it too is old but is the law of the land until it is amended.

#2 In regards to the \$1,000.00 you intend to extort from homeowners who are against the municipal water project, I suggest that any action is done according to the covenants with regards to Special Assessments. My, personal opinion is simple. Let the people who are in favor of the water project pay for the engineering work. If the project becomes reality, they will be reimbursed by all the homeowners. **WHAT A NOVEL IDEA! YOU PAY FOR WHAT YOU WANT!!!**

#3 I am once again informing the board that the covenants were not followed in regards to the vote for Municipal water and the \$500.00 Special Assessment. In regards to anything that took place in 2004, that was 2004! In 2004 there was a different board and president for Herons Landing and many homeowner votes were cast by people who don't even live here any more. If anything was intended to run for life, it would have to be part of our covenants which would need 90 lot owner votes.

#4 In a letter from Michael Kim dated March 30, 2011 he referenced the "Illinois General Not For Profit Corp Act of 1986 and the Common Interest Community Association Act". He is right, they do exist. So What! Most parts of these two acts have been around longer than our covenants. It is hundreds of pages and thousands of pieces of legislation that was mostly written for condominium associations. Just because something exists does not make it part of our covenants.

**"TAKE NOTE"**

**The Declaration of Covenants conditions and restrictions for Herons Landing, Long Grove, IL as it exists today 4/21/11.**

**Article V Section 3**

As a member of the association, each lot owner hereby covenants and agrees to be bound by the provisions of the by-laws of the association as such may be properly adopted, altered or amended from time to time pursuant to the terms here of.

**Article VI Section 7 (B)**

Refers to common improvements "for the mutual benefit of the lot owners".

Over 30 homeowners have great well water for free. There is **NO** benefit to us.

"Webster's definition of Mutual" = Common, equivalent, identical, self-same.

**Article VII Section 2**

Not less than 10 days prior to an annual meeting or a special meeting of the association, the board shall distribute the following, along with the meeting Notice specifying the time and place, whenever a new annual assessment or special assessment is being announced.

**Article XII Section 2**

Notices provided for in this declaration or the by-laws shall be in writing. A written or printed notice, deposited in the mail, postage prepaid and addressed to any owner at the last address filed by such owner with the association shall be sufficient and proper notice to such owner whenever notices are required or permitted in this declaration.

**Article VI Section 6**

The board of directors shall have the authority from time to time to adopt rules and regulations governing the administration and operation of the common improvements, subject to the terms of this declaration.

**Article XII Section 9**

These covenants may be amended by recording a certificate of amendment with the recorder of Lake County containing the amendment and signed by the record owner of Ninety (90) of the lots comprising the property.

A recordable certificate of a title guaranty company doing business in Lake County, IL, as to the record ownership of said lots, shall be deemed conclusive evidence thereof with regard to compliance with the provisions of this section. Upon and after the effective date of any such change or changes, it or they shall be binding upon all persons, firms, and corporations then owning lots and shall run with the land and bind all persons claiming by, through or under any one or more of them.

**SPECIAL NOTE**

**"Common Interest Community Association Act" (765 ILCS 160 1-20)**

"Amendments to the Declaration or By-laws".

(A). The administration of every property shall be governed by the declaration and by-laws which may either be embodied in the declaration or in a separate instrument, a true copy of which shall be appended to and recorded with the declaration. No modification or amendment of the declaration or by-laws shall be valid unless the same is set forth in an amendment thereof and such amendment is duly recorded. An amendment of the declaration or by-laws

shall be deemed effective upon recordation, unless the amendment sets forth a different effective date.

#### **Article VI**

“Board of Directors - Powers and Duties”

The board is acting beyond its scope of authoring by forcing a change of the water system to the lot owners in Herons Landing. The only authorities that can mandate a change in our water supply is Lake County Health Dept. or the Village of Long Grove.

The board does not have authority to change my Com Ed Service, my North Shore Gas Service, my Lake county Public Works Sewer System, my Phone lines or my water supply. This is not a common improvement like flowers at the entrance!

#### **Article XX**

“Rights of Lot Owners”

If any person, firm, association, successors or assigns violate or attempt to violate any of the covenant or restrictions herein, then any person, firms, association, partnership, or assigns owning or having interest in said property shall have the right to proceedings at law or in equity against such person, firm, association, partnership, trust or corporation violating or attempting to violate the covenants and restrictions herein for the purpose either of preventing such violations from occurring or for the purpose of recovering damages.

At this writing I am once again expressing to the Herons Landing Board and Michael Kim that the board is in serious violation of the declaration of covenants, conditions, and restrictions for Herons Landing.

Govern Yourself Accordingly.

Lee Giacomino

Cc: Michael Kim

**David Lothspeich**

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**From:** SLK1818@aol.com  
**Sent:** Friday, April 22, 2011 5:35 PM  
**To:** hlhaboard@gmail.com  
**Cc:** mck@mkimlaw.com; David Lothspeich  
**Subject:** Re: Herons Landing Update: Municipal Water Project & Other Important Topics  
**Attachments:** HLHA LK Response 18April2011.pdf

**Dear HLHA Board:**

**As per your request attached please find my input. It has become obvious that those who want Lake Michigan water that badly should pay for it. There are procedures in place that developers and other communities have used successfully to provide water to those that want it without burdening those that do not...**

**It is unbelievable that you have not shared both sides of the story with the community. It would have been appropriate for the board to ask a community member who is against the water project to make a presentation as well. The board gave a biased and one sided view of the project. There are numerous obstacles and issues that have been raised and you have chosen to ignore them.**

**Once and for all you should finally have a conscience and do what is right...**

**Regards, Larry Kluge**

In a message dated 4/14/2011 8:37:23 P.M. Central Daylight Time, hlhaboard@gmail.com writes:

Dear Herons Landing Neighbors,

We wanted to provide updates on the Municipal Lake Michigan Water Project and other important topics, as well as ask for your feedback. Please see the attached letter.

*Your HLHA Board*