

## Annotated Statement of Principle - Why I Challenged Resolution 5

### Preface to Community Members:

This annotated version of my statement is intended to help fellow Staffordshire residents understand both the plain-language concerns I have with Resolution 5 and the legal framework under which I raised those concerns. The first part stands alone as a personal explanation; the rest includes explanatory notes for transparency—not to offer legal advice, but to clarify why I stood up when it seemed no one else could.

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I did not challenge Resolution 5 out of personal interest, notoriety, or defiance. I did so because Staffordshire is a 55+ senior community, and many residents—some well into their 80s, 90s, and even 100s—may be unable to respond when new rules are imposed without notice, and penalties follow by mail. Someone needed to act.

I stepped forward because I could—and because I believe governance should protect the people it serves, not punish them with vague language and fines lacking statutory or contractual basis. In the Army, I was taught to run toward the problem, not away from it. When rules are unclear, authority unvoted, and process bypassed, the legitimacy of community governance erodes. A system governed by rules must itself follow the rule of law, especially when it claims the power to impose penalties.

Resolution 5 is not only legally invalid under ORS 94.590(7)<sup>[1]</sup> and *Allen v. Reed*<sup>[2]</sup>, it is ethically flawed—having been adopted without proper process, without consent, and now used to impose extraordinary fines.

Several subsequent resolutions—also adopted without a vote of the membership and inconsistent with the governing documents—raise similar legal concerns.

Resolution 1 imposes a \$50 fee-based restriction on member access to documents and records, creating an unlawful barrier to transparency.<sup>[3]</sup> Resolution 2 imposes selective user fees and punitive penalties for using the RV storage lot, even though such costs are already intended to be covered by shared assessments. Resolution 4 prohibits members from recording public meetings while empowering the Board to record everything themselves—with no unbiased record shared with members. This imbalance limits oversight and undermines community trust. I would like to acknowledge and commend the Lane County Circuit Court's practice of audio recording proceedings and making those recordings available to the public—an example of transparency that stands in stark contrast to Resolution 4.

Each of these measures was enacted without the approval required under the governing documents or ORS 94.590. Resolution 6 goes even further—it not only restricts on-street parking, which may be permissible if properly adopted and applied to shared common areas, but it also seeks to restrict the number of vehicles parked in a homeowner's privately owned driveway—property which, under both the recorded plat and the governing

declaration, is not designated as common area and therefore falls outside the Board's regulatory authority as defined in ORS 94.630<sup>[4]</sup> and clarified in Allen v. Reed and Mountain High HOA v. J.L. Ward Co.<sup>[5]</sup>.

I appear before the court today defending myself against Resolution 5, which also trespasses onto private property. The plaintiff is attempting to collect \$10,000 in fines over flower pots—on my own driveway. My driveway is part of my lot as defined by the recorded plat and not identified as a general common element or limited common element in the governing documents. These intrusions into private property rights mark a troubling overreach of HOA authority.

This is not an isolated incident. It is the beginning of a broader pattern that demands accountability and correction. My intent has never been to undermine the system, but to preserve the principle that governance—especially in senior communities—must remain lawful, transparent, and accountable to those it serves.

Stephen Gale Short

July 16, 2025

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Explanatory Notes

<sup>[1]</sup>: ORS 94.590(7): States that any rule imposed by the HOA board must be consistent with the declaration, bylaws, and Oregon law. A rule that adds new penalties or changes member obligations may require an amendment—not just a board vote.

<sup>[2]</sup>: Allen v. Reed, 155 Or App 426 (1998): Oregon Court of Appeals ruled that an HOA rule was unenforceable because it was not properly adopted in accordance with the governing documents.

<sup>[3]</sup>: ORS Chapter 94 and multiple Oregon Attorney General opinions affirm that members have the right to inspect records at minimal or no cost. Charging \$50 for access to legally required records may be unlawful.

<sup>[4]</sup>: ORS 94.630(1)(n): Grants HOA boards the power to regulate common property—but not privately owned lots—unless such authority is specifically granted in the declaration.

<sup>[5]</sup>: Mountain High HOA v. J.L. Ward Co., 228 Or App 424 (2009): Reaffirmed that HOA resolutions must align with recorded governing documents and cannot unilaterally expand board authority without member consent.