

# **History of Western Hills Property Owners Association**

(Compiled by someone who has been a WH Unit 2 property owner since November 1997)

Sedona Land Company, Inc. developed the Western Hills subdivision in three phases: Unit 1, created in 1977; Unit 2, created in 1979; and Unit 3, created in 1981. Each unit had a leach field to collect the liquid effluent from the homes that were part of the cluster wastewater system. Unit Associations were created to maintain & repair the sewage lines, therefore, Western Hills had three separate associations, each with a Board of Directors and each collecting annual dues. Only properties that were connected to the leach fields were included in an association.

Two gentlemen from Sedona Land Company, William Steinbach and Harner Selvidge, served as the initial Architectural Control Committee that oversaw all three units.

Once all three units were developed, Sedona Land Company turned control over to the property owners.

In April of 1987, Articles of Incorporation were filed to create Western Hills Property Owners Association (WHPOA), an association that included all properties in all units. The WHPOA began collecting annual dues of \$10 to cover operating expenses, Architectural Control Committee expenses, and creating an emergency reserve fund. With rising costs for postage, copies, etc., the dues increased to \$15 and then to the current \$25 per year.

So, until Western Hills was connected to the City of Sedona sewer system, either directly or via the common leach lines, many residents belonged to two associations, paying annual dues to both. The leach fields were abandoned and sold (Unit 3 in 1999; Unit 1 in 2002; Unit 2 in 2004) and each of the Unit Associations was dissolved, leaving only WHPOA.

## **Chronology**

**July 8, 1977** Sedona Land Company, Inc. recorded the following:

- Plat Map for Western Hills - Unit #1, Lots 1 - 79
- Declaration of Restrictions – Unit #1, Lots 1 - 79

### ***Item 17 of the Declaration Created the Western Hills Unit 1 Association***

- The Unit 1 Association consisted of lots 10 to 13, 24 to 28, 33,34, 36 to 40, 51 to 57, 59 to 64, 71 to 77, inclusive; these were the lots that connected to the Unit 1 leach field.
- There was a Board of Directors & they held monthly & annual meetings.
- Members of the Unit 1 Association initially paid dues of \$10 per year for the maintenance and repair of sewage lines.

- July 30, 1979** Sedona Land Company, Inc. recorded the following:
- Plat Map for Western Hills - Unit #2, Lots 1 - 63
  - Declaration of Restrictions – Unit #2, Lots 1 - 63
- Item 17 of the Declaration Created the Western Hills Unit 2 Association***
- The Unit 2 Association consisted of lots 17 to 23, 30 to 37, 43 to 58, inclusive; these were the lots that connected to the Unit 2 leach field.
  - There was a Board of Directors & they held monthly & annual meetings.
  - Members of the Unit 2 Association initially paid dues of \$10 per year for the maintenance and repair of sewage lines; eventually rose to \$40/year.
- Feb 22, 1980** Sedona Land Company transferred Tract 1 to WH Unit 1 Association.
- May 4, 1981** Sedona Land Company, Inc. recorded the following:
- Plat Map for Western Hills - Unit #3, Lots 1 - 55
  - Declaration of Restrictions – Unit #3, Lots 1 - 55
- Item 17 of the Declaration Created the Western Hills Unit 3 Association***
- The Unit 3 Association consisted of lots 1 to 55, inclusive. There was a pump house, located on Sanborn Road, which pumped the effluent up to the Unit 3 leach field (to the west of the Unit 1 properties on Rodeo Road).
  - There was a Board of Directors & they held monthly & annual meetings.
  - Members of the Unit 3 Association initially paid dues of \$25 per year for the maintenance and repair of sewage lines.
- May 23, 1983** Resignations of William Steinbach and Harner Selvidge from the Architectural Control Committee (Units 1, 2 & 3), as of 5/10/1983. Residents from Units 1, 2 and 3 began serving on the committee that served all 3 units.
- Mar 18, 1985** Sedona Land Company transferred Tract 2 to WH Unit 2 Association.  
Sedona Land Company transferred Tract 3 to WH Unit 3 Association.
- Apr 15, 1987** **Articles of Incorporation filed for the formation of the Western Hills Property Owners Association (WHPOA).**

- May 23, 1995** Amendment 17-A recorded for all 3 Declarations of Restrictions. This amendment states that all lots, in all three units, "shall be a member of Western Hills Property Owners Association, Inc., and subject to the Declarations of Restrictions, Articles of Incorporation, Bylaws, and Rules and Regulations of Western Hills Property Owners Association, Inc." with dues to be determined by the Board of Directors of the Association. The amendment was approved by a majority of property owners of Units #1, #2 & #3 at the Annual Meeting of the WHPOA.
- Jan 27, 1999** Amendment to the Unit 3 Declaration of Restrictions, allowing for the sale of the Unit 3 leach field and binding said property to the terms of the Declarations of Restrictions.
- Jan 27, 1999** WH Unit 3 leach field sold to Bemis Development, LLC.
- May 18, 2002** Amendment to the Unit 1 Declaration of Restrictions; Second Articles of Amendment.  
Article One - Annexation of Property: If the Unit 1 leach field is sold and developed into lots, all lots shall be subject to Declarations of Restrictions and each lot is to become a member of WHPOA.  
Article Two – States that once the leach field is sold, "Article 17 of the Declaration shall be deleted, upon the recording of the deed of conveyance, in its entirety."
- Sept 2002** Unit 1 leach field sold to Bernard Kinsey.
- Mar 8, 2004** Second Articles of Amendment to Declarations of Restrictions of WH Unit 2 Association. Annexation of Property. States that all lots created from the Unit 2 leach field shall be bound to the same Declarations of Restrictions as lots 1 to 63 in Unit 2.
- April 2004** Unit 2 leach field sold to Bernard Kinsey

- Mar 1, 2004** Plat Map recorded for Kinsey Estates at Western Hills. The former Unit 1 leach field was subdivided into 9 lots; Kinsey Court & Farmer Bros. Dr.
- June 1, 2005** Articles of Incorporation of Kinsey Estates at Western Hills.  
Articles of Incorporation of Kinsey Estates 2 at Western Hills.
- Jun 16, 2005** Plat Map recorded for Kinsey Estates 2 at Western Hills. The former Unit 2 leach field was subdivided into 9 lots; Borden Drive.
- July 1, 2005** Recording of Kinsey Estates at Western Hills Declarations of Restrictions.  
Recording of Kinsey Estates 2 at Western Hills Declarations of Restrictions.
- Dec 2017** Kinsey Estates 2 at Western Hills sold to Haven Management & Consulting.
- 2018** At the behest of a group of owners, three legal opinions deemed the Western Hills Property Owners Association to be invalid because the amendments to the declarations in 1995, which reflected the creation of the WHPOA, were not enacted properly.  
However, The Declaration of Restrictions for Units 1, 2 and 3 remain enforceable even if the Association is dissolved.  
Therefore, steps were taken to officially disband the WHPOA. Part of this process was amending each unit's Declaration of Restrictions to include Architectural Guidelines, which would preserve certain restrictions such as the 16-foot maximum height restriction for new homes.  
As of June 1, 2018, the Western Hills Property Owners Association is officially and its Board of Directors no longer exists.