

# CLAYBOURNE PROPERTY OWNERS ASSOCIATION, INC.

Claybourne Property Owners Association  
13102 1/2 Antonia Blvd  
Westfield, IN 46074  
info@claybourne.org

May 8, 2008

*Via Electronic Mail & U.S. First Class Mail*

Matt Elliott  
**Ryland Homes, Inc.**  
9025 North River Road, Suite 100  
Indianapolis, IN 46240

Christopher W. Werth  
**Boomerang LLC**  
11911 Lakeside Drive  
Fishers, IN 46038

**RE: Claybourne Estates Common Area**

Dear Mr. Elliott & Mr. Werth:

We are writing on behalf of the Claybourne Estate POA, Common Area Committee and the residents of Claybourne Estates to attempt to resolve the unacceptable conditions of the common areas as they were turned over to the POA in 2006 by the builder, Ryland and the developer, Boomerang. We have received numerous complaints from unhappy homeowners concerning the poor conditions of the common areas in our community over the past 2 years. Given the 27 acres of common areas and what needs to be done to the areas, we believe that the developer and builder should be responsible for conducting some minor work in certain areas and doing some major work to other areas to improve the condition and appearance of the common areas. Due to the budgetary deficit the Association was left with upon transition from the developer, the POA does not have the financial resources to do what needs to be done and what should have been done before things were turned over to the POA by the developer.

We are requesting a representative of the builder, a representative of the developer and a POA representative meet to address these issues and to conduct a walk around the common areas to actually see what the homeowners concerns are about.

The homeowners of Claybourne Estates, bought homes with Ryland for a number of reasons, one of which was the reputation for building quality homes. That quality needs to extend to the look of the common areas as well as the homes. With Ryland partnering with Boomerang, that quality also should extend to Boomerang's scope of workmanship.

We have enclosed a Plat Map of the Subdivision and for each plat, we have indicated what work needs to be done for each block (E-R). (Attachment A) The following is a detailed list of problems and potential resolutions for your consideration.

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## Problems:

- The Association was turned over from the developer with a shortfall operating budget. This prevented CPOA from making improvements to meet the homeowner's expectations of owning a home in Claybourne Estates. We are in a neighborhood that has homes ranging from \$300,000 – \$400,000 +. However, because of the poor quality grass seed, turf, shrubs, etc. put into the common areas by the developer, the POA cannot match the common area to the value of the homes. Homeowners are complaining that they cannot get what their home is worth when trying to resell and potential buyers do not believe they are entering a subdivision warranting list prices in excess of \$300,000 based upon the appearance of the common areas. This is an embarrassment to the homeowners and certainly directly effects the reputation of the builder and the developer.
- Quality was not given to the grade and seed of the turf in the common areas, including around ponds and bike paths. The common area was seeded with Rye and Fescue that does not spread and cover. The mounds on the west side of the 131<sup>st</sup> Street entrance are sparsely covered with grass and it is difficult for the grass seed to take root on the turf. This has provided great conditions for weeds and weed-grasses like crabgrass, clover and foxtail.
- Before the Association was even turned over, a large number of trees and bushes were dead and needed to be replaced. The POA has replaced, and removed a number and are looking to do more replacements and removal again this year.
- The year the Association was turned over, the almost 720 trees in the neighborhood received no mulch. The appearance of the common areas was and still is aesthetically unappealing, and probably more importantly without adequate mulch it has effected the health of the trees. There was no money in the budget for the CPOA to have mulch installed that year or years since.
- The 37 acres on the north side of the community was gifted to Hamilton County to be granted to Carmel Dad's Club. Carmel Dad's Club is not willing and/or able to maintain the "non-field" areas to even a satisfactory standard. Carmel Dad's Club has acknowledged, they were not aware that they had all 37 acres, it was their understanding that Carmel Dad's Club was conveyed only the 12 acres for the fields and parking lot. Homeowners that are on the North side of the community purchased and paid a premium to purchase these lots with the understanding and high expectations of beautiful common areas surrounding their properties. There are 25 acres of land that are not really being used by Carmel Dad's Club that are areas that need to be improved to a higher standard of appearance. With the walking/bike paths, ponds, and wooded areas, these lots were being sold at a premium by Ryland that it would be a beautiful area, but in current standing the area is an eyesore.
- South of the homes on Teague Place, the common area of almost 4 acres was poorly seeded to the extreme of only clumps of grass and weeds have grown in the past 2 years.

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- Homeowners purchased these homes with the expectation to use the common area as an extension of their back yards. These lots were also sold at a premium by Ryland with representations that the area would be a beautiful extension to each lot. Unfortunately, the poor condition of the area has created another eyesore.
- At the Playground and Pool house area, there are a number of poorly graded areas that have held water such that we now get standing water and no grass will take root. This is unsightly, and more importantly causes a breeding area for mosquitoes in the summer months posing a health risk to the residents.
- It is our understanding that Ryland is nearing their final phase of home building in the community. However, the community is cluttered with signage and silt fences around the entire neighborhood. This gives the neighborhood the appearance of being dirty, unfinished, and not well maintained. The silt fences should have been removed from areas as the work was completed. Some homeowners have at their own expense removed and disposed of silt fences in an attempt to improve the appearance from their vantage point.

## Resolutions:

- Aerate and overseed and in some areas, slit cut soil and overseed using high quality Kentucky bluegrass at a rate of 3lbs/1000 sq. ft. We have been given a quote for \$10,300 to aerate, overseed, and apply starter fertilizer for all areas that currently belong to CPOA to include Blocks, E, F, G, J, M, Q, R, and P and L. This expense should not be passed on to CPOA.
- Spread Topsoil in areas where needed to allow for seed to root. This is especially important on the mounds and steep areas.
- Since Carmel Dad's Club was not expecting and is not willing to maintain excess land to a higher standard than just "rough" finish, the land not used by Carmel Dad's Club, can be conveyed as a part of CPOA property. This would allow the POA to be responsible for the upkeep and maintenance of the area.
- Any unused silt fences and Ryland signage needs to be removed immediately. Area where signs and fences are removed, need to be graded and seeded to improve appearance.
- All of the live trees need to be cut in and mulched. Once we get a good foundation of mulch, it will be less expensive and easier financially to maintain the rings.
- All dead and dying trees are scheduled to be removed and holes filled and grass seed applied to cover area. CPOA contractor Brickman Landscaping will perform this work in the next few weeks. The POA would like to have this expense reimbursed.

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- In General we are asking that this neighborhood look like a neighborhood that has homes that are worth \$300,000 - \$400,000+. The POA should not have to bare the burden to get the common areas to a level that it should have been when the Association was transitioned to the homeowners. Clearly, the money homeowners paid to own a home was not invested properly by Ryland or Boomerang to ensure that the common area amenities and appearances were in line with the cost of the homes.

Please contact Bryan Kelley, Chair of the Common Area Committee to schedule a meeting at [commonarea@claybourne.org](mailto:commonarea@claybourne.org). We look forward to working with you on these very important matters and would appreciate your prompt response within 10 days.

Sincerely,

Claybourne Property Owners Association Board

cc: Carmel Mayor, James Brainard  
City Council President, Rick Sharp  
Carmel Dad's Club  
Builders Association of Greater Indianapolis  
Claybourne Estates Homeowners

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## Attachment A

### Turf work to be performed to the different blocks -

E- Sliced and Over-seed with Bluegrass – Top soil needed in some locations – Dead trees replaced

F- Sliced and Over-seed with Bluegrass – Top soil needed in some locations – Dead trees replaced

G- Sliced and Over-seed with Bluegrass around ponds edge and property lines

H- **Good**

J- Sliced and Over-seed with Bluegrass – Top soil needed in some locations – Dead trees replaced

K- **Good**

L- Sliced and Over-seed with Bluegrass by play ground and in a few other areas – Re-grade low areas

M- Sliced and Over-seed with Bluegrass – Top soil needed for entire block

N - Sliced and Over-seed with Bluegrass in all area not used by CDC

O- Sliced and Over-seed with Bluegrass around ponds edge and property lines

P- Sliced and Over-seed with Bluegrass – Top soil needed in some locations – Dead trees replaced

Q- Sliced and Over-seed with Bluegrass – Top soil needed in some locations – Dead trees replaced

R- Sliced and Over-seed with Bluegrass – Top soil needed in some locations – Dead trees replaced

Parcel #	Block	Sq. Ft	Acre
17-09-30-00-02-057.000	E	98,326.00	2.257
17-09-30-00-02-058.000	F	115,056.00	2.64
17-09-30-00-02-059.000	G	96,597.00	2.22
17-09-30-00-02-060.000	H	30,871.00	0.71
17-09-30-00-04-084.000	J	134,331.00	3.08
17-09-30-00-04-085.000	K	391,645.00	8.99
17-09-30-00-04-086.000	L	89,160.00	2.05
17-09-30-00-04-087.000	M	15,309.00	0.35
17-09-30-00-05-078.000	N	1,089,000	25
			CDC Property
17-09-30-00-05-079.000	O	103,700.00	2.38
17-09-30-00-05-080.000	P	89,383.00	2.05
17-09-30-00-05-081.000	Q	11,416.00	0.26
17-09-30-00-05-082.000	R	12,750.00	0.29

2,277,544.00 52.277

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Attachment A

