

**Summit Estates at Fischer (SEF)  
Board of Directors  
Summary Meeting Minutes  
For  
Public Hearing for Tyler and Amy Mason  
Monday, August 22, 2022, 4:05 pm  
Fischer Store School Community Center  
12400 FM 32, Fischer, Texas 78623**

**Board Members Present:**

William (Willy) Conrad, President  
Steve Ferrell, Vice President  
Nancy Carr, Treasurer  
Secretary (Vacant)

**General Membership and Guests:**

Cynthia Young, Architectural Review Authority (ARA) member  
Dennis Anderson  
Trena Beckman  
Andrea Cash  
Joan Conrad (to record and transcribe minutes)

**Appeal Hearing for Tyler and Amy Mason, property owners of 511 Let's Roll, Lot 101, Summit Estates at Fischer:**

Mr. Conrad stated that Mr. Mason had requested this public hearing to formally respond to Mr. Ferrell's August 9, 2022, letter representing the Architectural Review Authority (ARA). *[In this letter, Mr. Ferrell cited Mr. Mason's violation of Summit Estates at Fischer's (SEF's) Deed Restrictions. This violation pertains to the large rocks Mr. Mason placed in the ditch fronting his property.]*

Mr. Conrad recognized Mr. Mason and asked him to address the board with his case.

Mr. Mason explained that the rocks placed in the ditch fronting his property are referred to as riprap in construction terms. Riprap is commonly used to prevent erosion.

Mr. Mason stated that, during construction of his home, he was constantly dealing with erosion. He placed those rocks to prevent erosion to the bar ditch. Mr. Mason stated that the ditch, downstream from his property, had eroded considerably and there was a deep layer of soft soil. He stated that his intention was to prevent this from happening

to the ditch fronting his property. He stated that he believes that riprap is the only method for dealing with soft soil and preventing further erosion. He also stated that this is the first time anyone has objected to his placement of rocks in the ditch.

Mr. Mason asked the board for a remedy to prevent erosion if he were to remove the rocks. Mr. Conrad responded that he has reviewed aerial maps of his property that were made prior to construction on Mr. Mason's property and could not see any erosion. (The same aerial map Mr. Conrad was referring to was included in the comprehensive packet provided to Mr. Mason prior to this hearing.) Mr. Mason countered that the map was not clear enough to see the erosion occurring at that time.

Mr. Conrad stated that riprap can stabilize the area in question, but it can also alter the hydraulic function of the ditch. He further stated the board is working on plans to mitigate erosion on the afore mentioned property adjacent to Mr. Mason's property and will deal with the frontage ditch on his; however, all culverts and ditches are the property of Summit Estates at Fischer (SEF). This current board has only been active for the past six months and, although they are working diligently to rectify these types of issues, it takes time.

Mr. Conrad stated that the board's greatest concern with the large rocks in the ditch fronting Mr. Tyler's property is safety. If anyone were to drive off into this ditch, it could severely injure or kill them. Summit Estates at Fischer (SEF) would be financially liable if this were to occur.

Mr. Mason commented that the ditch fronting Mr. Conrad's property is far more dangerous than the riprap he placed in front of his property. He also stated that there are other properties throughout this subdivision with dangerous ditches, as well.

**Discussions continued, resulting in the final outcome:**

Mr. Mason refused to remove the large rocks fronting his property for the following reasons:

- He has no other remedy for preventing erosion.
- There was erosion during the construction on his property and he can show the board other examples throughout the subdivision where it is occurring.
- There was no SEF Board of Directors to consult when he was building his property so there was no way to know that this was in violation, per Mr. Mason.
- He believes that the SEF Board of Directors' insistence that he removes rocks from the ditch is an unreasonable demand.

- Until the SEF Board of Directors has a formal plan in place to address his and other property owners' violations (of the same nature) he sees no reason to be singled out.
- Mr. Mason stated that he would consult with his attorney.

Mr. Conrad reiterated the board's concerns:

- The bar ditch fronting Mr. Mason's property is part of the 60' right-of-way and is owned by Summit Estates at Fischer (SEF).
- The ditch was built as it was meant to function.
- Mr. Mason was not able to present any evidence that there was existing erosion prior to him placing rocks in the ditch.
- Mr. Mason placed his personal property on private property belonging to SEF.
- Mr. Mason has damaged SEF's property by placing the large rocks in the ditch.
- The large rocks that Mr. Mason has placed in this ditch creates a huge safety concern that could harm or kill a person if they were to drive off into said ditch.
- Mr. Mason cannot hold SEF hostage by refusing to comply with SEF's Deed Restrictions until other property owners' violations have been resolved.
- Mr. Mason has failed to present any documentation in support of his case.

Mr. Mason introduced another topic regarding the refund of his road use deposit, stating that he had been told that he would receive his deposit, but has never received it. Mr. Conrad stated that he understood that Mr. Mason forfeited his deposit due to road damage, but Mr. Mason said he had never received that response to his request. Mr. Conrad stated that he would discuss this situation with a member of the Architectural Review Authority (ARA) and would let Mr. Mason know the status of his road use deposit.

Mr. Conrad informed Mr. Mason that the SEF Board of Directors would discuss action to be taken as result of this hearing and will send Mr. and Mrs. Mason a letter informing them of the board's final ruling.

**Mr. Conrad adjourned the hearing at 4:21 pm.**