

Oak Hills Home Owners Association News

February 2012

www.oak-hills.net

Legal Expenses: Videotaping and Meeting Disruptions

by the OHHA Board of Directors

Homeowners have inquired, and the Board now has all the information needed to inform homeowners with an accounting of all costs incurred after being legally challenged during the November 9th Board meeting. As a Board, we are committed to an open and transparent environment, and have summarized the costs of implementation and enforcement of Board policies, regarding the videotaping agreement, as well as the legal fees incurred to respond to threats from one homeowner to continue to disrupt future Board meetings, below. Please note this information was shared with homeowners at the January 4th Board meeting during the financial report and are reported as part of the minutes.

Video Tape Policy Cost - \$250

- Development of the policy (Drafted and Unanimously Approved by OHHA Board):
- Cost for legal review of the policy: \$250
- Cost for changes to the policy in an effort to compromise with Homeowner: \$0

Legal Cost to Deal with Homeowner Violation of Board Policy - \$2,082.36

- Legal advice after Homeowner violated Board policy;
- Legal communication to Homeowner after she questioned the legality of the Board policy;
- Legal communication to Homeowner she questioned the initial legal communication;
- Cost for attorney's attendance at meeting which Homeowner indicated she would again violate Board policy (November 17, 2011 Board Meeting);
- Cost for security at meeting which Homeowner indicated she would again violate Board policy (November 17, 2011 Board Meeting).

A single homeowner, Micki Sparr chose to violate the Board policy and indicate questions of legality, which resulted in the HOA incurring costs to determine the appropriate next steps. There were three legal expenses incurred: an initial consultation immediately after the violation, a communication from legal counsel explaining the Board's legal basis for the policy, and the next steps from counsel advising the Board to facilitate compliance via

counsel attendance at the November 17th meeting (at which Homeowner had originally indicated she would continue to violate the policy). In the end, she chose to not violate the video policy at this meeting.

One of the recommendations from OHHA legal counsel was to utilize a security guard to assist with enforcing the policy in light of Homeowner's communications to the Board she planned to continue to violate the policy, and in light of her statement at the Nov. 9th Board meeting that her continued violation would cause the Board to never be able to meet again. This decision to hire a security guard was an effort to avoid any confrontation between the Homeowner and Board members, as well as an attempt to avoid the need to call Washington County Sheriff (as advised by legal counsel). This cost \$82.36.

In summary, drafting of the video-tape policy, legal review, and attempted compromise edits has cost the HOA \$250. The cost of addressing Homeowner Micki Sparr's violation of the policy, and her threats to continue to disrupt future meetings, was \$2,082.36.

My Opinion: Respect and Responsibility in Oak Hills

by Dan Smith, OHHA Vice President and Treasurer

Three years ago, I joined the Oak Hills Board and was asked to take on the Treasurer duties. I was heartened to find a group that was interested in establishing a firm financial foundation for Oak Hills and who were willing to make hard the decisions to ensure that Oak Hills continued vital programs while protecting our financial future.

I worked with a group of dedicated individuals that examined every program and cut costs as necessary. They fully supported setting up reserve funds for ongoing maintenance and contingency funds for emergencies. The Board established new financial controls and created new investment policies to grow our bank account. To ensure transparency we began posting all financial results and initiated special meetings during budget season to assure full accountability to homeowners. And my favorite - we have come in under budget for three consecutive years.

I have written to you on many occasions over the past three years to give regular updates on our financial situation and I have always tried to be candid. In meetings and in writing I have explained the need to reduce or eliminate legal costs except as absolutely necessary. As a result, extremely strong controls have been set up so that every contact with an attorney is closely

monitored to ensure that the consultation is necessary and that it is done for the lowest possible cost.

And so, it was with great dismay that I watched the events of the last few months unfold. Yes, Board Meetings can be contentious. Reasonable people can disagree and occasionally they do so forcefully. But it is always part of a process in which certain rules are followed and respect is afforded to others as volunteers, individuals, neighbors, and friends.

That respect collapsed in the last few months as a single homeowner undertook to interrupt and disrupt Board meetings. This was not disagreement. This was not a difference of opinion. This was an intentional disruption with the expressed purpose of interrupting the meeting. It was chaos. And this cannot be allowed to continue in Oak Hills. No organization can work effectively under such circumstances.

Yes, I hate attorney fees but sometimes a problem is too big for a group of volunteers. I personally advocated hiring an attorney to write a letter to the homeowner demanding that they stop. I asked that the attorney be present at the subsequent meeting to advise in the event of further disruptions. It was an outrageous expenditure of Oak

Hills funds that nevertheless had to be spent in order to allow the business of Oak Hills to continue.

It is no surprise that this event is now being turned into a crusade against the Board. I might also try to turn the argument around if I was personally responsible for squandering Oak Hills money. And it makes entertaining copy for a newsletter. But to use this event to sow strife in the neighborhood adds insult to the injury. It is no secret that any homeowner who wishes to can cause OHHA to spend money. Just send us a letter from an attorney or defiantly violate Association policies and sure enough attorneys will be involved. But why? What purpose does it serve?

The costs for this event are outlined on Page 1 of this newsletter. They are appalling. Rather than hearing about how bad the Oak Hills Board is, it would be useful to hear from the homeowner as to why it was important for them to disrupt Oak Hills business to such an extent that this course was necessary.

That's my opinion. If the neighborhood believes I am wrong, then I have no further business being on the Board and I will resign over this issue. Otherwise, I would appreciate your support during this difficult period.

Thanks for listening.

Family Movie Nights Planned at the Rec

by Dave Busby, OHHA Director

Two more Family Movie Nights at the Rec have been planned this winter. Each rated G or PG movie will start at 7 p.m. on Friday, Feb. 17 and Friday, March 23. Bring your sleeping bags, blankets, pillows, and responsible adult to enjoy popcorn and Capri Sun juice bags for free with your friends and neighbors at the Rec.

Is there a movie you particularly want to see? Please email Doug at *OakHillsRec@aol.com* with your suggestions. Movies will be chosen the day or two before the event.

Westside Bike Trail Prompts Concerns

by Linda Kitchin, OHHA President

At the January Board meeting we had two visitors representing the Westside Regional Trail Master Plan project, more commonly known as the Westside Bike Trail, who wanted to meet with the Board. James Rapp is a consultant with Parametrix, which is advising on the planning and design of the trail, and Robert Spurlock is the Regional Trails Planner from METRO.

The meeting was designed as a "meet and greet" with the Board to get our initial thoughts on the plans for the Trail and we therefore did not inform homeowners. There will be plenty of meetings down the line where all homeowner comments and concerns can be voiced. Word did get out to the homeowners who back on to the proposed trail, and some were in attendance and voiced their concerns.

The 10-foot-wide, asphalt bike trail is proposed to run from Forest Park through Oak Hills under the power lines, down to King City 26 miles away. The land under the power lines is not

Oak Hills property, it is owned by Bonneville Power Administration.

The planning is in its very early stages. They were given the goahead in November and estimate that the planning and design will be a 20-month long process. At this time Rapp and Spurlock are meeting with neighborhoods to gather community feedback. There is also an advisory committee that has been established and we have asked to have a representative join that committee.

Most of our neighborhood concerns were for the increase in the number of non-residents coming through our neighborhood, especially when we have paths off of the proposed trail that lead into our community. How would our privacy be preserved and protected? The overwhelming opinion of those present was against the Trail, with other concerns being, safety, speed, trail maintenance, possible placement of trailheads and how this might affect our Historic Preservation Nomination.

All the information gathered will hopefully be taken into consideration and the plan is to hold some "open house" type meetings in April to gather the whole communities' opinions. Although the draft proposal will not yet be complete, we should have some more definite ideas on where the proposed trail will be.

There is not any funding available at this time for construction of the Trail, but it is thought that it may be funded by THPRD. If it goes ahead we would have to negotiate with them, and BPA, regarding maintenance and upkeep.

As the planning process proceeds we will continue to communicate with all the parties involved to try and keep Oak Hills informed of what is happening and to ensure that our concerns are heard.

If you would like to voice your concerns, contact: James Rapp, jrapp@parametrix.com or Robert Spurlock, Robert.spurlock@oregonmetro.gov.

RV Lot Update

by Elizabeth Chapin, OHHA Director

The combination for the RV lot will be changed on February 1st, and only those who have paid their rental balance in full will be sent the new code.

Important Note: Occasionally people get locked into the RV Lot, as the lock for the main gate

cannot be reached from the inside. If this unfortunate event happens to you, there is a "man gate" near the maintenance building that is keyed to the same code as the main gate. And **always** look around and make sure that no one else is in the lot before locking up.



Sand Removal Challenge March 10th

by Sara Bourne, OHHA Director

The Mission: move ALL of the sand from under and around the swing sets at the Rec Center to a pile at the edge of the greenway.

The Challenge: Can this be done in UNDER 2 HOURS?!

The Reward: Special move night held at the Rec Center for challengers, their families and anyone even remotely involved.

The Cause: Yucky sand. Parents often complain about the sand under the swings at the Rec Center playground. In the summer sand clings to wet children fresh out of the pool and gets tracked back into the pool and homes. In the winter the sand turns to mud and fills shoes and

dirties clothes. In addition, the sand is more prone to being used as the neighborhood litter box. To address these issues, the Board would like to replace the sand under the swings with the same "splinterless" wood chips as the rest of the playground. The cost for wood chips is \$510.

But first the sand must be removed. Instead of incurring the costs to dispose of the sand, the Oak Hills maintenance crew will spread the sand out over the greenway. The sand will help with drainage, making the grass healthier. Our tractor can lift and carry the sand to the greenway, but it doesn't have the ability to dig the wet sand/mud mix out of

the playground. The Board could rent a digger to pile the sand next to the playground. Buy why incur the cost? Lets have a little fun instead.

The Details: Saturday, March 10, 2012; 10 a.m. – 12 p.m.; Oak Hills Rec Center. We are hoping for 15 challengers. Due to safety concerns, we request that challengers be 15 years or older. Snacks and drinks provided.

Are you willing to accept the challenge? Please contact Sara Bourne at *saraebourne@gmail.com* or 503.789.2048.

*** Please note that the swing set at the Rec Center will be closed for use from March 10 - 15. ***

153rd Avenue Sidewalk Project Update

by Elizabeth Chapin, OHHA Director

Washington County's Minor Betterments Project to add a sidewalk along the northern side of 153rd Avenue from the Oak Hills entrance to the bus stop on the corner of 153rd and Arcadia has had a status change from "active" to "inactive." This means that no construction will be taking place this fiscal year, nor is construction scheduled for anytime in the foreseeable future.

Originally the sidewalk was to extend along 153rd Avenue to the second Arcadia Court entrance. It was scaled back to the first entrance, where the bus stop is, once Washington County planners heard about the Historic District plans as well as

neighborhood feedback that it was a "sidewalk to nowhere."

Earlier this year Todd Watkins, Road Operations and Maintenance, and Victoria Saager, Public Information Officer, both for Washington County, came to speak to the neighborhood about the planned project. While neighbors spoke out both in favor and against the project, they also asked the planners to look into how extensively the bus stop was used, and whether or not that bus stop would remain in place after the construction on Bethany Blvd. was completed (the bus route had been changed to this location because buses had been having a

difficult time turning left only Bethany Blvd., something the Washington County representatives were not aware of).

Washington County did go to TriMet, which reported that the use of that bus stop was extremely low, and that they were not sure whether or not it would remain in its current location. As a result, Washington County has decided that the Minor Betterments Project funds would be more effectively used elsewhere. While the project will officially stay "on the books," it will not move forward unless the current situation substantially changes.

Approved Minutes:

Oak Hills Home Owners Association Meeting -- December 7, 2011

MINUTES OF THE BOARD OF DIRECTORS' MEETING OF THE OAK HILLS HOMEOWNERS' ASSOCIATION HELD ON DECEMBER 7th, 2011 AT THE OAK HILLS RECREATION BUILDING, 2085 NW 153RD, BEAVERTON, OREGON, 97006 AT 7:00 PM.

PRESENT: Mrs. Linda Kitchin, President

Mr. Dan Smith, Vice President/Treasurer

Mrs. Sara Bourne, Secretary Mrs. Elizabeth Chapin, Director Mrs. Michelle Schnoor, Director

ABSENT: Mr. Brad Buchholz, Director

Mr. David Busby, Director Mr. Jim Erzen, Director Mr. Joe Welsh, Director

BY INVITATION: Mrs. Diane Wood, Community Manager CMCA, AMS, PCAM, CAMP **COMMUNITY MANAGEMENT, INC. AAMC**

Owners as listed on the sign-in sheet.

I. CALL TO ORDER

The meeting was called to order at 7:02 pm by President Kitchin.

II. COMMENT FROM HOMEOWNERS

Homeowner Micki Sparr stated she disagreed with the Board's action to have a security service attend the Board Meeting held on November 17, 2011 and that the Board had signed a statement that they would not make personal comments about owners.

Homeowner Straight complimented the Board of Directors and stated he appreciates what they do.

III. APPROVAL OF PREVIOUS MINUTES AGREED

Chapin moved to approve the minutes from the meeting held on November 17th, 2011 with the following corrections:

"VI. VIDEO AGREEMENT (SEE ATTACHED)

The Board reviewed the amended Videotape Agreement as submitted by Welsh. Ryan *Harris* recommended the time frame be changed from 48 hours to 5 days. Erzen stated he would like all videos, audio and cameras removed from the meetings and noted that the current agreement is not working. Ryan

Harris reported violations can be enforced by the assessment of fines; incorporating a liquidated clause in the agreement; suing for injunction; filing in court; etc."

Motion seconded by Smith and carried without objection.

IV. FINANCIAL REPORT

- Treasurer Smith reported the first financial statement of the new fiscal year was received and had nothing extraordinary to report. The income from the assessments was being received as billed.
- CMI Wood presented the December Collection Report prepared by Vial Fotheringham to the President and Treasurer.

V. COMMITTEE REPORTS

A. Communication - Michelle Schnoor

The Board commended Michelle Schnoor in her efforts to disperse information regarding a family in need.

B. Website - Sara Bourne

Postings have been made to the website as received.

C. RV Lot - Elizabeth Chapin

- RV fees have been billed and upon receipt of payments; the entry codes are provided to the users.
- Proof of ownership of the vehicles has been requested, but has not been submitted by all the users.
- A Cub Scout Troop raked the Lot as a service project.

D. Special Events - Linda Kitchin

- Santa will attend the Christmas Party scheduled for December 17th.
- The second speed display sign was installed on Oak Hills Drive.
- Washington County had provided a computer program to track the vehicular activity, and 23,000 vehicles had been tracked by the initial speed sign in a time period of three weeks. Of those, 90% were under the speed limit. The Association has the ability to submit the report to the police department who will then assign patrols as needed. A press release will be prepared by the Association and distributed to 65 media contacts. The signs will be moved on a regular basis to obtain an overall coverage of the neighborhood. The Maintenance Department will monitor the equipment and change batteries as needed.

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VI. IMPROVEMENT FUND

Discussion followed regarding the use of the funds allocated to the Improvement Fund. Treasurer Smith stated the funds should be used for items that are not covered for replacement/refurbishment by the Reserve Study. The Board discussed projects such as replacing the sand under the swing set with bark chips; refurbishing the floors in the bathrooms and changing areas; adding lights to the RV Lot; installation of a new swing set; and replacement of reader board by the clubhouse.

AGREED

It was agreed more information would be solicited regarding costs of the above noted suggestions.

BETHANY MITIGATION

President Kitchin had been contacted by Matt Costigan, Washington County who invited three community representatives to meet with the county regulators to mitigate Bethany Boulevard. They have offered to assist in the payment of the application fee for the Historic Preservation, assist in the repair to a common element, etc.

It was agreed that President Kitchin will initially meet with the County. Chapin will research if there is a standard of mitigation that has been experienced by other entities in similar situations.

VIII. RDR COMMITTEE **AGREED**

The Board will do further review of the submission made by the RDR Committee at a Board Meeting to be held on Wednesday at 7:00 pm on December 14th, 2011.

IX. RUMMER TOUR

Treasurer Smith reported that \$7,000.00 had been collected from the admission fees charged for the Rummer Tour. The purpose of the Tour was to collect monies to support the Historic Designation effort and/or to be dedicated to funding Association improvements.

AGREED

Smith moved that the Oak Hills Homeowners Association request that HPLO return the money collected from the Rummer Tour to the Association. The funds collected will be used to support the application for Historic Designation at Oak Hills (less taxes) or will be applied to the improvement of Oak Hills facilities if not needed for the application. Darla Castagno and the owners of the Rummer homes, who participated in the Tour, will be consulted on the nature of the improvements to Oak Hills. This decisions made by approval of this motion, will be reviewed by the Board in two years. Motion seconded and unanimously carried.

X. GARBAGE CANS BEHIND SCHOOL AND **BASEBALL FIELD**

It was discussed that garbage cans located behind the school and baseball field had been removed and it would be useful to have them returned for use. A Board member reported this request had recently been submitted to the school principal.

XI. THE KEEPING OF PETS

It was reported that a specific pet violation has not been resolved. It was reported that Director Buchholz is aware of the problem and is handling it in accordance with the Association's policy.

XII. ADJOURNMENT

The meeting was adjourned at 8:50 pm.

Approved Minutes:

Oak Hills Home Owners Association Meeting -- December 14, 2011

MINUTES OF THE BOARD OF DIRECTORS' MEETING AND EXECUTIVE SESSION OF THE OAK HILLS HOMEOWNERS' ASSOCIATION HELD ON 14TH, 2011 AT THE OAK HILLS CHRISTIAN REFORMED CHURCH, FIRESIDE ROOM, 2815 NW FOREST AVENUE, BEAVERTON, OREGON AT 7:00 PM.

PRESENT: Mrs. Linda Kitchin, President

Mr. Dan Smith, Vice President/Treasurer

Mrs. Sara Bourne, Secretary Mr. Brad Buchholz, Director

Mr. David Busby, Director Mrs. Elizabeth Chapin, Director

Mr. Jim Erzen, Director Mr. Joe Welsh, Director

Mrs. Michelle Schnoor

Owners as listed on the sign-in sheet.

I. CALL TO ORDER

President Kitchin called the meeting to order at 7:05 pm.

II. RDR REVIEW RECOMMENDATIONS

The Board reviewed proposed changes to the RDR's. Changes that only include revisions to language were not addressed. Discussion focused on material content changes that will be submitted to the Attorney for review, and ultimately, to the Community for a vote.

ACTION

Board made decisions for all remaining Articles and through Exhibit "A". Bylaws will be discussed at the January Work Party meeting.

IX. ADJOURNMENT

The meeting was adjourned at 9:04pm.

Draft Minutes:

Oak Hills Home Owners Association Meeting -- January 4, 2012

MINUTES OF THE BOARD OF DIRECTORS'
MEETING OF THE OAK HILLS
HOMEOWNERS' ASSOCIATION HELD ON
JANUARY 4TH, 2012 AT THE OAK HILLS
CHRISTIAN REFORMED CHURCH, FIRESIDE
ROOM, 2815 NW FOREST AVENUE,
BEAVERTON, OREGON AT 7:00 PM.

PRESENT: Mrs. Linda Kitchin, President

Mr. Dan Smith, Vice President/Treasurer

Mrs. Sara Bourne, Secretary

Mrs. Elizabeth Chapin, Director

Mrs. Michelle Schnoor, Director

Mr. Brad Buchholz, Director

Mr. David Busby, Director

Mr. Jim Erzen, Director

Mr. Joe Welsh, Director

BY INVITATION:

Mr. James Rapp, Engineer

PARAMETRIX

Mr. Robert Spurlock, Regional Trails Planner

METRO

Mrs. Diane Wood, Community Manager

CMCA, AMS, PCAM, CAMP

COMMUNITY MANAGEMENT, INC. AAMC

Owners as listed on the sign-in sheet.

I. CALL TO ORDER

The meeting was called to order at 7:00 pm by President Kitchin.

II. WEST SIDE TRAIL PRESENTATION - JAMES RAPP AND ROBERT SPURLOCK

Spurlock stated the purpose of their visit to the Oak Hills Homeowners Association is to obtain input from the community regarding the West Side Trail project. A trail about 10 feet wide for use by pedestrians and bikers will course from the Tualatin River northerly through the power line corridor (for the most part) to Forest Park. It is a federally funded project that is in the initial planning stages with a targeted timeline of 10 to 20 years to be completed, with the planning stages to take anywhere between 18-24 months. It is under the jurisdiction of many governmental entities — counties, cities, Metro, federal, unincorporated areas, etc. Discussion was held amongst Homeowners, the County and the consultant, Parmetrix. Next steps are to keep the Oak Hills Board informed of progress.

III. COMMENT FROM HOMEOWNERS

Homeowner Jennifer Yamashiro expressed gratitude to the members of the Board of Directors for their service to the Oak Hills during the past year. She added her family wanted to live in Oak Hills based on its reputation as a family friendly and community minded association. She has become very frustrated with the negativity expressed by some and wants to challenge others to participate by getting involved and supporting the people who are elected by the owners.

IV. APPROVAL OF PREVIOUS MINUTES AGREED

Bourne moved to approve the minutes from the meeting held on December 7, 2011 and December 14, 2011. Motion seconded by Schnoor and carried without objection. Buchholz and Welsh both abstained.

V. FINANCIAL REPORT

- Treasurer Smith reported on the year-end financial statement of September 31, 2011. Smith noted \$5,000.00 be carried over from the previous fiscal year to the new fiscal year of October 1, 2011 to September 31, 2012 from the previous year.
- CMI Wood presented the Vial Fotheringham collection report to Dan Smith and Linda Kitchin.

VI. COMMITTEE REPORTS

A. Recreation - Dave Busby

- A schedule of movies are currently being shown.
- The backboard has been stolen from the Recreation Building.

B. Maintenance - Jim Erzen

- The tennis gate was vandalized.
- Drainage was installed by the tennis courts.
- Speed signs will be moved as planned.

C. RV Lot - Elizabeth Chapin

Received about 70% of 2012 user fees.

D. Special Events - Linda Kitchin

- The Christmas Party went extremely well.
- The 4th of July planning will begin by the end of the month.

E. Architectural Review - Joseph Welsh

- Received a request for a landscape plan.
- Reviewed a tile roof installation.

F. Communication - Michelle Schnoor

- Reviewed the response of email requests via the established Oak Hills Facebook account.
- Continuing to collect Email address from homeowners.

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 Press release will be drafted regarding the installation of the traffic speed signs and the results of the traffic survey data after the new mitigation process has been started.

G. Website - Sara Bourne

- Posted all relevant information on the website.
- Continues to check for alternate website sources.

H. Internal Affairs - Brad Buchholz

- A structure that protrudes above a fence is violation.
- A house color is in violation.
- A pet and behavior violation letters will be sent to 1) notify the resident they have been banned from all common areas; and 2) pet behavior is in violation and a fine will be levied.

VII. RDR REVIEW RECOMMENDATIONS AGREED

It was agreed the Board would review the recommendations made by the RDR Committee at a Board Meeting to be held on January 24, 2012.

VIII. PLAYGROUND IMPROVEMENTS

Discussion followed regarding the replacement of the sand under the swings with wood chips.

AGREED

It was agreed that Bourne will obtain the cost of the cedar wood chips. In addition, Bourne will write an article for the newsletter regarding the planned improvements and to request owners volunteer to assist in the removal of the sand. A portion of the sand will be transferred to the greenway to facilitate drainage.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:50 pm.

Oak Hills Home Owners Association Board of Directors

| Linda Kitchin President | | 2465 NW 145th Avenue 503-466-2149 | linda@kitchinonline.com |
|---------------------------------------|---------------------------|--|---------------------------|
| Dan Smith Vice President/Treasurer | | 2845 NW 154th Avenue 503-690-7597 | dan@comsmiths.com |
| Sara Elizalde Bourne Secretary | Website | 503-789-2048 | saraebourne@gmail.com |
| Brad Buchholz Director | Internal Affairs | 15200 NW Perimeter Drive 503-533-5765 | buchholz.brad@gmail.com |
| Dave Busby Director | Recreation | 3010 NW 151st Place 971-244-3288 | buzzb1955@gmail.com |
| Elizabeth Chapin Director | Urban Liaison & RV Lot | 503-533-5403 | chapin99@gmail.com |
| Jim Erzen Director | Maintenance | 15368 NW Wooded Way 503-758-3847 | jim.erzen@us.army.mil |
| Michelle Schnoor Director | Community Relations | 503-758-8306 | anothermichelle@gmail.com |
| Joe Welsh Director | Architectural Review | 503-729-8622 | joseph.t.welsh@gmail.com |

Want to know more?
Your source for all things Oak Hills related: www.oak-hills.net