

**ZION VIEW
PROPERTY
OWNERS
ASSOCIATION**

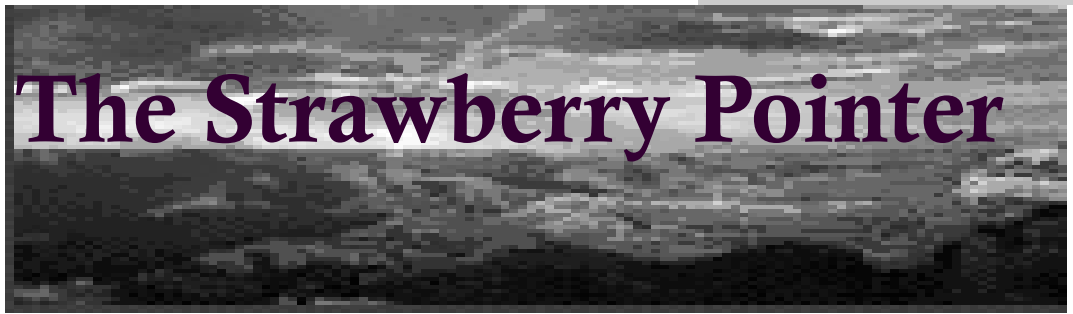
CURRENT:
PRESIDENT-G. SZEKERES
VICE PRESIDENT-K. HALL
SEC/TREAS.-K. OBENHAUS
DIRECTOR-T. WILLSEY
DIRECTOR-N. NICHOLSON

**Special points of
interest:**

- Utah Court POA resolution tested
- POA bylaw change voted in
- Sheriff outlines increased efforts & 911 emergency call procedures
- Community Calendar of Event
- CCR response
- POA Board Election Results
- Road Maintenance

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Summer 2006

POA resolution upheld in Kane County Preliminary Hearing

Those of you who were able to attend the Annual POA meeting on July 1, 2006 certainly noticed a difference in the proceedings.

For the first time in two years the annual meeting was conducted free of verbal harassment and intimidating attempts to disrupt the meeting.

June 30, 2006 a ruling was handed down in Kanab County Court proceedings which upheld the POA's resolution that no one may video or audio tape the meetings unless approved by the board. In addition to this decision those individuals who in the past have disrupted the meetings may not attend the meeting unless they become members of the voluntary POA. In that case they must comply with rules of conduct expected to contribute to the good of the order of all meetings. They

must comply with requests from the board should they be in attendance.

This year's meeting was a marathon session lasting two and a half hours. This time was needed as two past years of POA business needed to be conducted. The previous two year's annual meeting resulted in serious disruptions by individuals who compromised the agenda of the meeting with verbal harassment of both the proceedings and individuals.

Minutes from the 2004 and 2005 were reviewed and approved by the membership and will be posted to the website. The report of expenditure of



Utah Court "bully-proofs" ZVPOA Annual Meeting

the POA funds are available by email request. A draft of the minutes of the 2006 annual meeting will be posted to the website in preparation for the annual meeting to be held next year in July.

Details of the remainder of agenda items from this year's meeting can be found in this newsletter.

POA Board Election Results



The members of the Zion View Property Owner's Association successfully elected four board members this year. Three board member positions were due to be re-elected, however one vacancy was carried over from the 2005 election.

Our four new members were unanimously elected and are dedicated to working for the good of the association. The following four join Tom Willsey

on the POA board.

Ken Hall who is a previous board member uses his expertise as a trial lawyer to our benefit. Ken is a resident of Unit E.

Nick Nicholson is new to the board and is a captain for Clark Co Fire Dept. He is committed being involved in the safety, growth and happiness of our members. Nick is a resident of Unit A.

Gabor Szekeres returns to the board continuing his commitment to keep the association voluntary while increasing membership. Gabor is a resident of Unit E.

Kathy Obenhaus returns to the board working to improve communication and information sharing to provide access to mountain activities. Kathy is a resident of Unit A.



President's Message Regarding the Upcoming Vote on the CC&Rs

Many of you received a letter from a property owner in which he gives reasons why the presently proposed CC&Rs should not be approved. Of course, this property owner has every right to express his opinion. However, on behalf of the entire present Board of our voluntary Property Owners Association (POA) I would like to point out that the reasons given in the property owner's letter urging a "no" vote are based on misunderstanding or are simply wrong. I would assume that they represent a knee-jerk reaction based on the opposition to a different set of CC&Rs proposed in 2004 by an entirely different Board.

The presently proposed CC&Rs are not "much more restrictive" (as stated in the property owner's letter) and are "not dangerous" and do not threaten anybody's "property rights". Rather, they are designed to preserve property rights, and to maintain Zion View a place that is safe, enjoyable and free for all owners.

It should be kept in mind that each unit already has a set of CC&Rs which will remain in force in that unit unless the new ones are voted in by 51 % of the owners in that unit.

To be specific, addressing the points raised in the property owner's letter, it is incorrect to say that the proposed CC&Rs would prohibit warning signs to keep out intruders. Proposed Section 4(D) prohibits signs advertising for "any commercial activity". This does not prohibit "no trespassing", "keep out", private property" and like signs. Moreover, the present CC&Rs in force already prohibit commercial activity on any lot.

It is incorrect to say that the proposed CC&Rs would prohibit "gates to keep out intruders from our lots". Proposed Section 5(D) prohibits gates on a public road or right-of-way to a lot. This means simply that one cannot erect a gate across a public thoroughfare to keep other owners from accessing their own lots.

It is incorrect to say that the proposed CC&Rs invite the "federal government" into our subdivision. It is true that several sections of the proposed CC&Rs state that land use must be in compliance with federal state and county laws. There is nothing dangerous or surprising about this. It's a fact of life in the USA that any

activity must be in compliance with the applicable federal, state and county laws and regulations.

It is respectfully suggested to all property owners that it is entirely reasonable to restrict temporary dwellings to 18 months while a permanent dwelling is under construction (proposed Section 1(F)). Without this prohibition permanently placed tents, shacks, trailers, or like structures could proliferate on lots under the pretext that a permanent dwelling is under construction. This Board has received several complaints from owners about abandoned, dilapidated trailers on neighboring lots which were not removed when the "season" was over. Thus, it appears that the majority of property owners would like to have better control over this situation. This does not prohibit seasonal RV trailers.

It is incorrect to say that the CC&Rs presently in force allow subdividing of lots "in most cases", as the property owner's letter asserts it. The CC&Rs presently in force in Units C, D and E state that the "lot sizes" are minimum lot sizes and that "no person shall sell, lease or otherwise dispose of said lot in parcels smaller than the original". (See Section 3 in the present CCR's of these three Units.) This is an actual, presently-in-force prohibition of subdividing lots. The CC&Rs presently in force in Units A and B address this problem in terms of the number of buildings permitted on the lots. Therefore, it is respectfully suggested to all property owners that the present CC&Rs already prohibit subdividing. Even more importantly it is suggested that smaller lots, proliferation of more buildings placed on tiny lots and thereby having your neighbors closer to you than presently possible would decrease the enjoyment of your property. This would run contrary to the reason why most persons purchased property in Zion View; to be away from the "City" and have a feeling of being un-crowded in a wild natural surrounding.

It is not seen why the existence of the POA as a legal entity is a "danger" to any property owner. Nor is it correct to say that POA wants to increase its power over all property owners. The facts are that the POA is already a legal entity recognized under the laws of the State of Utah. No vote on the CC&Rs can change that. However, it is well known that membership in the POA is VOLUNTARY. The proposed CC&Rs do

NOT require membership in the POA and do NOT give any power to the POA to assess penalties, assess lots for services, foreclose on property or the like. Such provisions were indeed present in the CC&Rs proposed in 2004. It should be kept in mind that the present Board of the POA listened to and recognized your objections to the very restrictive CC&Rs proposed in 2004 and revised or removed such language in the present revision proposed.

As is known these were soundly rejected by the property owners even without a formal vote, presently proposed Section 1(G) requires that after the present vote any future changes to the CC&Rs will have to be approved by a "super majority" (60 % or more) of the property owners. This clearly illustrates that the POA is not seeking to increase its powers and that the property owners will remain in charge of their affairs whether they are members of the POA or not.

The project of rewriting the CC&Rs and attempting to make them uniform for the entire Zion View has been inherited by the present Board from previous Boards. It is respectfully suggested that uniformity in the entire Zion View is desirable.

The proposed CC&Rs are very reasonable. In many instances they are less restrictive and more reasonable than the ones presently in force. For example, the CC&Rs presently in force prohibit all parking anywhere on any roadway in Zion View. Many owners need to park on the roadway just to visit their lot. Proposed Section 2(A) allows reasonable parking on roadways as long as it does not obstruct normal traffic. Proposed Section 4(B) deals with generator noise and attempts to strike a reasonable balance between owners using generators and other owners' quiet enjoyment of their properties.

We urge all property owners to carefully review the present proposal, compare it to their present CC&Rs, consider their current experience and wish for conditions on the Mountain and then vote as they see best. We would hope that you will find the board's efforts in revising the proposed new CC&Rs a worthwhile endeavor.

In any case, please DO VOTE so that your voice will be heard, counted and the issue will be laid to rest.

July 2006

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1 ZVPOA Mtg 2 p.m. Fire Station Gardener Mkt 9-11 Kanab
2	3	4	5	6	7	8 ZVMWC no weekend water delivery Gardener Mkt 9-11 Kanab
9 ZVMWC no weekend water delivery	10	11	12 "Wednesday night at the Gazebo" Kanab 8 pm	13 11 p.m. Duck Creek Literary Guild—Duck Creek Coffee	14 Brianhead Thunder on the Mtn Annual Motorcycle Rally & Poker Run	15 Brianhead Thunder on the Mtn Annual Motorcycle Rally & Poker Run Gardener Mkt 9-11 Kanab
16	17	18	19 "Wed, Night at the Gazebo" Kanab 8 pm Slickrock String Band	20	21 Duck Creek Days Noon to 6PM	22 Duck Creek Days Chili Cook Off 10AM-6PM Gardener Mkt 9-11 Kanab
23	24 "Pioneers Then and Now" Parade Kanab 10 a.m. Parades in Ce- dar City too.	25	26 "Wednesday night at the Gazebo" Kanab 8 pm Baker Bunch	27	28	29 12 pm POA Board 1pm Q & A session CCR's Fire Station 2:00 Neighbor- hood Watch Program Fire Station Gardener Mkt 9-11 KaabKanab
30	31	Call 1(888) 677-2810 for times or ques- tions of Brian- head events	Details about Kanab events go to http:// www.kaneutah.c om/ calen-			

Community Calendar of Events
Events subject to change

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Community action through
Public Awareness

August 2006

Sun	Mon	Tue	Wed	Thu	Fri	Sat
Details about Kanab events go to http://www.kaneutah.com/calendar_index.html	1		2 "Wed. Night at the Gazebo" Kanab 8 pm Sally Bonham & Allan Black	3	4	5 Mountain Music Jam I Brian Head Parowan Airport Fly In & Pancake Breakfast
6	7	8	9 "Wed. Night at the Gazebo" Kanab 8 pm Symphony of the Canyons	10 11 p.m. Duck Creek Literary Guild—Duck Creek Coffee	11 Summer Car Nights Kanab Rewind Diner	12 Mountain Man Rendezvous—Brian Head Bear Flat Meadow
13	14	15	16 "Wed. Night at the Gazebo" Kanab 8 pm	17 Kane County Fair Kanab*	18 Kane County Fair Kanab*	19 Mountain Music Jam Brian Head Kane County Fair Kanab* 13th Annual Sounds of Thunder Kaibab Paiute Heritage
20 13th Annual Sounds of Thunder Kaibab Paiute Heritage Celebration—Kaibab Paiute Indian Reservation	21	22 Maynard Country Art Show Mt Carmel, Kanab & Johnson	23	24	25 Western Legends Roundup in Kanab noon parade, food & entertainment Northrim Regulator Shoot Hwy 89 Kanab 8 am Iron County Fair at Parowan (Aug 25-Sept 4)	26 ZVPOA Board Mtn Musician II Brianhead West.Legend Roundup Kanab Northrim Regular Shoot 8 am
27 Maynard Country Art Show Mt.Carmel, Kanab & Johnson Cyn Western Legend Roundup in Kanab Iron County Fair at Parowan (Aug 25-Sept 4)	28 Iron County Fair at Parowan (Aug 25-Sept 4)	29 Iron County Fair at Parowan (Aug 25-Sept 4)	30 Iron County Fair at Parowan (Aug 25-Sept 4)	31 Iron County Fair at Parowan (Aug 25-Sept 4)	*Kane Co Fair Booklet available at Duck Creek Village Post Office	Call 1(888)677-2810 for times or questions of Brianhead events

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September 2006

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 Zion View CCR vote due <small>Iron County Fair at Parowan (Aug 25-Sept 4)</small>	2 Rutan FlyIn at Kanab airport (25 experimental airplanes) Sunday too <small>Iron County Fair at Parowan</small>
3 ZV Water Co Annual Meeting 12 noon FireStation CCR vote at 2pm Firestation	4 Rutan FlyIn at Kanab airport (25 experimental airplanes) Sunday too <small>Iron County Fair at Parowan (Aug 25-Sept 4)</small>	5	6	7	8 Great American Stampede Horse Parade & Rodeo, Cedar City	9 Great American Stampede Horse Parade & Rodeo, Cedar City
10	11	12	13	14 11 p.m. Duck Creek Literary Guild—Duck Creek Coffee	15	16 14th Annual Octoberfest at Navajo Lodge, Brian Head Cedar City Skyfest
17 14th Annual Octoberfest at Navajo Lodge, Brian Head Cedar City Skyfest	18	19	20	21	22 Cedar City Fall Arts Festival at Shakespearean King Festival Hall	23 Cedar City Fall Arts Festival at Shakespearean King Festival Hall
24	25	26	27	28	29 So. Utah Univ Rodeo at Cross Hollow Events Center	30 So. Utah Univ Rodeo at Cross Hollow Events Center

Community Calendar of Events
Events subject to change

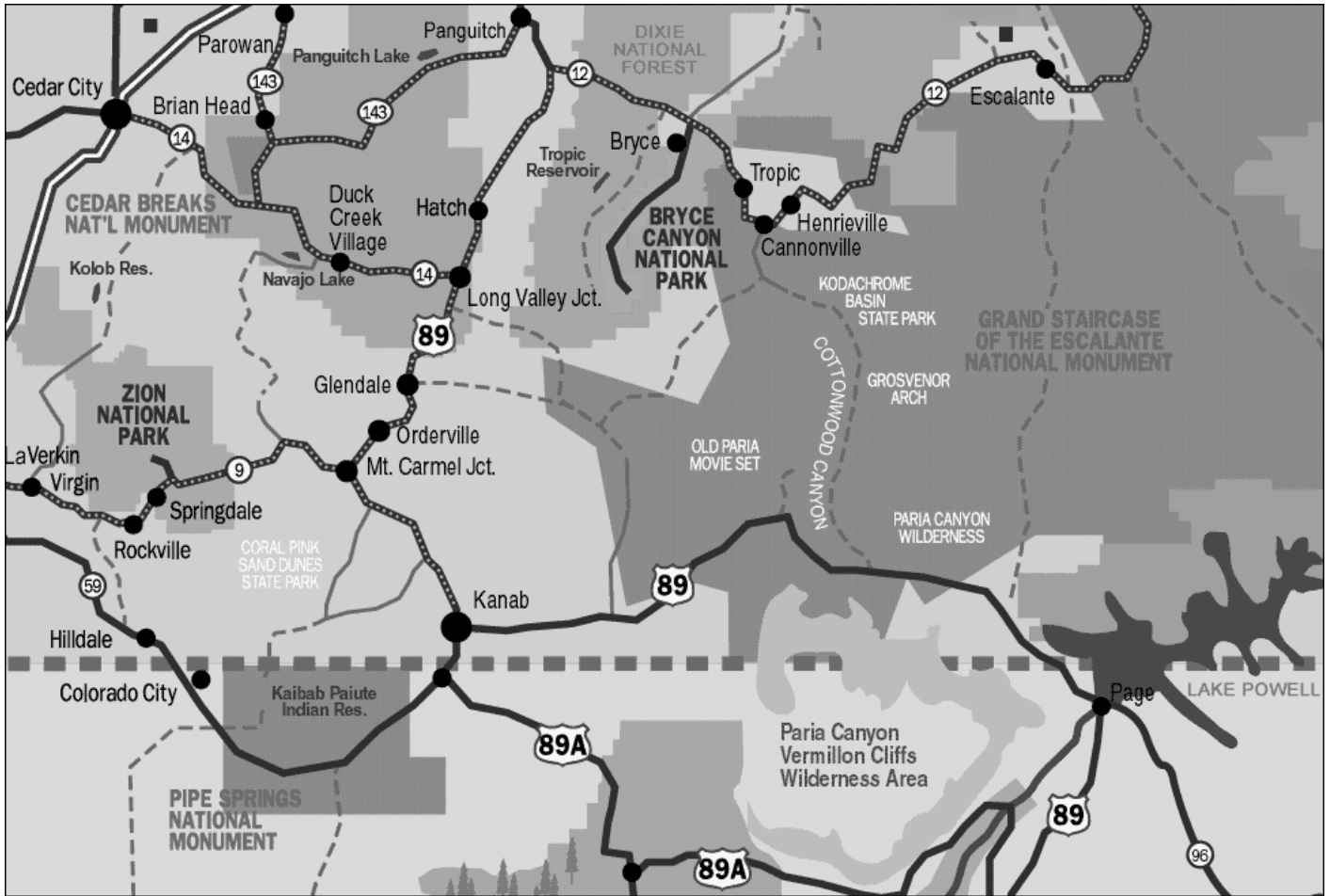
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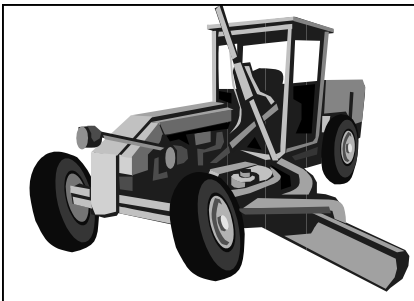
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A color version of this map can be found on line at <http://www.kaneutah.com/largemap.htm> . While we know many of you are familiar with our area we did want to provide you with a snapshot view of where you can find all the activities available within a hour to two hour drive of Zion View Mountain Estates. Calendar events may be subject to change, online links to events can be found at:

- <http://www.brianheadchamber.com/calendar.html>
- http://www.kaneutah.com/calendar_index.html
- http://www.cedarcity.org/current_events/events.html



Road maintenance and repair is charged to the POA, however limited voluntary membership dues prohibit overall distribution of maintenance throughout Zion View. What will our tax dollars provide?

POA ANNUAL MEETING MEMBER FORUM—ROAD MAINTENANCE

POA members continue to be concerned about the periodic maintenance of our Zion View Roads.

At the annual meeting this year the following motion was passed.

Motion made and passed to empower board to gain clarification from Kane County on whether tax \$\$ contribute to payment (how do we get an accounting of the expenditure by the county) for maintenance roads within the division.

It is hoped that with the Board obtaining this information it can better inform the membership what to do with the heavy equipment (road grader) owned by the POA but not currently be used by the POA to maintain roads throughout the division.

The road grader needs to be operated by an experienced operator. Any volunteer residents with CDL license and/or experience operating such equipment please contact the board via email or in person.



Western Legends Round-Up : August 24-26, 2006

Western Legends Roundup and Western Film Festival is the signature event held in Southern Utah each year. This event was created to honor the rich Western movie history with over 70 classic Western movies being filmed in Kane County over the years. The Gunsmoke television series was also filmed here for over 20 years.

If you love the Western

way of life, you won't want to miss the Western Legends Roundup, which is held the last weekend in August each year in Kanab, Utah.

The event features Western vendors and exhibits, Western entertainment and concerts, Cowboy Poetry, Cowboy cookin' and autograph sessions with some of your favorite stars of classic Westerns.

The annual parade at "high noon" kicks the event into high gear with an old fashion cattle drive through town, complete with Texas Longhorns. Western Legends also hosts one of the best contests for up and coming cowboy poets held this side of the Rio Grande, the world's only "Cowboy Poetry Rodeo".

To view a brochure see: <http://www.westernlegendskanab.com/pdf/WLBrochure2006.pdf>



REX ALLEN JR.
HOLMES ENTERTAINMENT LIMITED

Rex Allen Junior will be featured at the Western Legend Round-Up.

Kane Co. Sheriff & Deputies attend annual POA meeting.

Sheriff Lamont Smith and Deputies Brian Harris and Leon Brinkerhoff attended the ZVPOA Annual Meeting. The Sheriff and Deputies explained how services to Cedar Mountain are being implemented and answered questions.

The Sheriff and nine deputies are tasked to serve the whole of Kane County. For that reason they depend on residents to advise the Sheriff department how they can best serve our division's needs. The Sheriff dep't. is currently working

with Cedar Mountain Advisory Council to obtain this input.

The Sheriff encourage residents to responsibly take part in a Neighborhood Watch Program. The POA has tentatively scheduled the first community training for July 29th at the Fire Station.

The Sheriff Department is monitoring the travel down Forest Service road for volume and rate of speed. On the 4th of July weekend drivers were clocked on average doing 30

mph on this road.

The Sheriff stated that should it be necessary for you to make a 911 emergency call that it is very important for you to tell the dispatcher that you are calling from Zion View Mtn Estates in Kane County. You need to also state both your Unit and Lot #.

CMFPD has provided a direct access call box to report emergencies. This call box is located on the SE corner of the POA Fire Station.

**Sheriff Lamont
Smith encourages
all residents to
contact his office
at toll free
number 1-877-
644-2349 with
reports of
concern and/or
complaint.**

ZVPOA By-Law Amendment Voted

Zion View Property Owner's Association holds as asset Unit E86 and all buildings erected on this lot. While we do not know currently what the market value of this lot with buildings, we realize that the board has the responsibility of managing this real property.

Currently the POA charges rent from Cedar Mountain Fire Protection District and Zion View Mu-

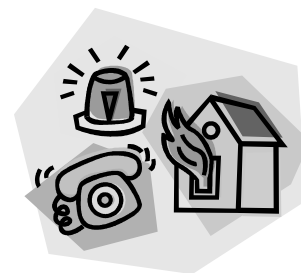
tual Water Company for their use and storage of trucks for each of the three bays in the fire station.

The board recognizes the great responsibility for management of this property and appreciates the recent membership vote to amend the POA bylaws to advise management of these assets.

July 1, 2006 the members of ZVPOA 100% voted in

favor of the following amendment.

In order for ZVPOA board to accept an offer to purchase Lot E86 (Fire Station Lot), a vote is required with 60% approval of POA members to accept this sale with the condition that the proceeds go to and be used for the Association as a whole, not individual POA members.



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Please mail in your CCR ballots prior to September 1, 2006. Counting of Ballots is on September 3, 2006 2:00 p.m. at Fire Station.

CCR Question and Answer Session at the ZVPOA Fire Station on July 29, 2008 at 1:00 p.m. Ballots and Envelopes will be available to place in Ballot Boxes.



Community action through Public Awareness

Send in your membership dues

NAME: _____ SECTION / LOT # _____

MAILING ADDRESS:

PHONE # (____) _____ FAX# (____) _____

EMAIL: _____ CHECK AMT: _____

Dues have not changed, the amount is still \$35.00 per year.

Please detach and mail in this sheet with your check.

Please write your lot section and # on your check.

Receipts for dues are available upon request.

**SEND IN MEMBERSHIP
DUES**

