

FINNEY LAW FIRM

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August 15, 2025

VIA CERTIFIED MAIL

Real Property Management, Inc.,
d/b/a Associa Real Property Management
c/o Preston Steele
5412 Courseview Drive, #100
Mason, Ohio 45040

Providence Manor Home
Owner's Association
c/o Trent Emenecker
7280 West Hartford Court
West Chester, Ohio 45069

**RE: DEMAND FOR ACCESS TO HOA BOOKS, RECORDS, AND MINUTES
AND DISPUTE OF IMPROPERLY ADDRESSED HOA VIOLATIONS**

Dear Mr. Steele and Mr. Emenecker:

This firm represents Mr. Mark Haverkos ("Mr. Haverkos") in connection with the above-referenced matter. Mr. Haverkos is the owner of the real property located at 7356 Wethersfield Drive, West Chester, Ohio 45069, situated within Providence Mannor and subject to the rules and regulations of the Providence Mannor Home Owner's Association (the "Association" or "PMHOA"). If you are represented by counsel, please forward this letter to the same. We are writing to address several serious concerns on behalf of Mr. Haverkos, including but not limited to, the substantial questions regarding the legitimacy of the current composition and authority of the PMHOA Board, the failure of the PMHOA to provide requested access to books, records, and meeting minutes as required under Ohio law, and finally, the improper handling and issuance of purported HOA violations against him. Specifically, it is believed that the most recent Board was not elected in accordance with PMHOA's governing documents because the election lacked a quorum as required by the bylaws (*See* Code of Regulations Article I, Section 7, Section 8, and Section 10). To evaluate the legitimacy of that election and related Association actions, Mr. Haverkos has repeatedly requested access to the minutes from all meetings dating back to January 2024, including, but not limited to, the vote count, proxy votes, and present Members of the 2024 General Membership Meeting in which the new Board of Trustees and Directors were elected.

Despite the multiple requests, PMHOA has refused to provide or produce Mr. Haverkos with access to essential and legally mandated records including:

1. Minutes of the Board of Trustees meetings (including any committees and subcommittees), minutes of Generally Membership Meetings, minutes of the Organization Meetings, Minutes of Regular Meetings and minutes of Special Meetings from January 1, 2024, to present.
2. Documents to determine the identity of whomever complained and therefore found that Mr. Haverkos was in violation of PMHOA by laws for the items listed below:
 - a. Window shutter
 - b. Landscape soil in driveway
 - c. Inoperable vehicle in driveway
 - d. Mailbox without numbers
 - e. Twigs on house walkway
 - f. Tarp, wheelbarrow in driveway
3. Monthly and annual, detailed, income and expense statements (also called profit and loss statements) from January 1, 2024, to present.

Ohio law imposes clear and affirmative obligations on homeowner's associations with respect to recordkeeping and transparency. Specifically, Ohio Revised Code Section 5312.06 requires the governing of a "planned community" to maintain accurate books and records of the Association, as well as minutes of all board and general membership meetings. In addition, Section 5312.07 grants each owner the unequivocal right to "examine and copy those books, records, and minutes upon request.

A *planned community* is defined in the Ohio Revised Code as "a community comprised on individual lots for which a deed, common plan, or declaration requires any of the following: (1) that owners become members of the owners association that governs the community, (2) That owners or the owners association holds or leases property or facilities for the benefit of the owners, (3) that owners support by membership or fees, property or facilities for all owners to use."

Providence Manner is a "planned community" as defined by Ohio law. Therefore, PMHOA is subject to the statutory obligations imposed by Chapter 5312 of the Ohio Revised Code, including the duty to preserve and disclose association records (*See* O.R.C. § 5312.06 and 5312.07).

Additionally, PMHOA's own governing documents reinforce this obligation. Article VII, Section 3 of the PMHOA Code of Regulations explicitly provides that members are entitled to inspect the membership list, account books, and minutes of the Association, the Board, and any committee "at any reasonable time and for a purpose reasonably related to his or her interest as a Member." Nevertheless, despite these clear legal and contractual obligations, the Association has failed to produce the requested records and furthermore has not yet provided any valid justification for its noncompliance.

This pattern of disregard for both legal obligations and internal governance procedures is further reflected in the Association's handling of an alleged covenant violation involving Mr. Haverkos. On March 4 2025, Mr. Haverkos received written notice stating that his property was in potential violation of a provision of the PMHOA covenant. On March 10, 2025, he submitted a timely written request to appear before the Board to address the alleged violation at its next meeting. Attached hereto as **EXHIBIT A**. However, when Mr. Haverkos appeared at that meeting, Board President Mr. Emenecker advised him that no such request had been received.

Shortly thereafter, the Association issued a notice to Mr. Haverkos citing a charge in the amount of \$50.00, due to failure to correct the alleged violation. Attached hereto as **EXHIBIT B**. This fine is improper and must be rescinded. Under Article III of the PMHOA Articles of Incorporation, the Association may impose fines only “after notice and an opportunity to be heard.” Despite having complied with the procedural requirements to secure that opportunity, Mr. Haverkos was denied a hearing and deprived of his rights under the Association’s governing documents. The imposition of this charge, in light of that denial, is without basis and must be reversed.

Taken together, these issues reflect a troubling pattern of procedural irregularities, failure to follow governing documents, and noncompliance with applicable Ohio law. Accordingly, this letter serves as a formal demand for both the immediate correction of these matters and the production of the following:

1. **Meeting Minutes**. Complete meeting minutes from January 1, 2024, to the present, including but not limited to: Board of Trustees meetings (including any committees and subcommittees), Generally Membership Meetings, Organization Meetings, and Regular and Special Meetings;
2. **Financial Records**. Detailed monthly and annual income and expense statements (also known as profit and loss statements) from January 1, 2024, to the present;
3. **Violation Notices**. Copies of all violation notices and any supporting documentation issued to Mr. Haverkos;
4. **Board Election Documentation**. Any and all materials related to the most recent PMHOA Board election, including but not limited to: election notices, proxies, sign in sheets, vote tallies, quorum certification, and a list of all individuals who voted, including how each vote was cast;
5. **Complaint Documentation**. Any and all documents identifying, or tending to identify, the individual(s) who lodged the complaint(s) resulting in the following alleged violations issued against Mr. Haverkos: (i) window shutter, (ii) landscape soil in driveway, (iii) inoperable vehicle in driveway, (iv) mailbox without numbers, (v) twigs on house walkway, and (vi) tarp and wheelbarrow in driveway;
6. **Governing Documents**. Copies of all PMHOA governing documents that were cited or relied upon in issuing the above-referenced violations; and
7. **Rescission of Fine**. Immediate rescission of the \$50.00 fee imposed on Mr. Haverkos in relation to the alleged violation referenced in the May 27, 2025 notice. This fee is improper as Mr. Haverkos was wrongfully denied the opportunity to appear before the Board despite submitting a timely request.

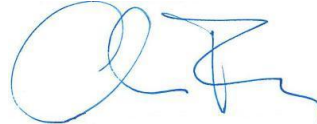
All requested records must be made available for inspection and copying, or provided in full, no later than **August 29, 2025**. Failure to comply within this timeframe will result in legal action to pursue all available legal remedies, including a court order compel production, as well as recovery of attorneys’ fees and costs pursuant to O.R.C. § 5312.07 and other applicable law. Please provide written confirmation of your intent to comply, including the timing and method of access or delivery of the requested materials, in order to meet the deadline stated above.

Mr. Steele and Mr. Emeneker
August 15, 2025
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We look forward to resolving this matter promptly. Please contact us if you have any questions.

Sincerely,

FINNEY LAW FIRM, LLC



Christopher P. Finney, Esq.

Enclosures

cc: Ms. Mickey McClanahan
Mr. Mark Haverkos

mark@mark3.net

From: TownSq <noreply@townsq.io>
Sent: Monday, March 10, 2025 5:07 PM
To: mark@mark3.net
Subject: [Providence Manor HOA] New request on TownSq.

New request!

A new request was opened!
Providence Manor HOA

03/10/2025

Meeting with HOA board

7356 Wethersfield Dr.

[Read now](#)

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Mark Haverkos
7356 Wethersfield Drive
West Chester, OH 45069
Account ID: 2280763

May 27, 2025

RE: Enforcement Decision

Dear Mark Haverkos,

The Providence Manor HOA Board of Directors has reviewed the enforcement details for your ongoing property violations.

- On August 26th, a first violation letter was sent outlining violations of the Governing Documents.
- On October 3rd, a second violation letter was sent outlining on-going violations of the Governing Documents.
- On March 4th, a third violation letter was sent outlining on-going violations of the Governing Documents, a notice of intent to impose an enforcement assessment, and information outlining the Hearing Request process.
- A Hearing Request was not received.
- The violations cited were not resolved. On April 10th a \$50 enforcement assessment was applied with a due date of 10 days.

The issue has not been rectified and payment has not been received. As a result, on May 15th, the Board voted to assess a second \$50 enforcement assessment. Payment is due no later than 10 days from the date this letter is mailed.

Payment can be submitted online in TownSq <https://www.townsq.io/> (additional fees will be applied for online transactions) or by mailing a physical check to Providence Manor HOA, Real Property Management, PO Box 88396, Carol Stream, IL 60188-0396. For mailed checks, be sure to include your account number in the memo field on the check.

To become compliant, you must: **replace the missing shutter for the top right window on the front of your house and remove the dirt from the driveway and store it out of view of the street and other neighbors.** Your immediate compliance with the association's rules is appreciated. The board reserves the right to assess future assessments until the violations are rectified.

The Board is hopeful that no further violations will occur, and no further action will be required.

Sincerely,

Real Property Management, Inc., AAMC, AMO
An Associa Member Company for Providence Manor Homeowners Association
Cc: Property File