



LAKES ON ELDRIDGE

www.lakesoneldridge.net

Official Newsletter for the
Residents of Lakes on Eldridge

Volume 17, Issue 2

February 2018

LOE RETAINS ATTORNEY FOR HARVEY FLOODING

On January 12, 2018 Lakes on Eldridge officially retained the law firm of Irvine and Conner to represent the Association's interest in recovery of damages due to flooding of our property. Irvine and Conner have partnered with the firms of Burns Charest and Dunbar Harder in the pursuit of claims against the United States and/or the US Army Corps of Engineers. Recently, attorneys from these firms have been named the primary attorneys to represent all upstream claims against the government. We intentionally waited until the attorneys were named before choosing a firm to represent us. As an additional benefit, Lakes on Eldridge Community Association has been selected as one of the primary test cases to go before the Federal District court. We are a unique property because we own our streets. The case before the court will determine if we are due additional compensation due to the potential diminishment of life due to damage by the flood waters. This is analogous to the issue of potential damage to home foundations due to being in flood waters for many days. There will be a number of individual test cases each representing a unique situation, such as a home fully flooded with flood insurance, a home fully flooded without flood insurance, a home flooded only in a garage but not actually in the house, a home flooded in the yard only, etc. Each of these cases will then be evaluated for award. Based on these test cases, each subsequent individual award can then be determined. In every case, both test and subsequent, proper evidence of damage must be shown. The attorneys have hired experts to determine damages associated with lost property value. Other damages include lost personal contents. Therefore if you would like to pursue those damages for your personal items, please save receipts, pictures, etc.

We will be scheduling a town hall in the next few weeks with our attorneys so they can discuss the case with you. You will have the opportunity to join in the suit if you wish.

Below are some of the questions we anticipate you have and our best answer at this time.

- 1. Is there really any hope of recovering any money?** Yes! This lawsuit is for people upstream of Addicks and Barker Reservoirs. Our legal firm, Irvine and Conner specialize in seeking recovery for flood damage. They have been involved in local flooding cases around Houston. They also sued the Corps of Engineers for failing to analyze impacts from the construction of Texas 99 (the Grand Parkway) and new developments nearby on stormwaters that flow into the Addicks Reservoir. During the discovery process for that lawsuit, many documents were found that clearly indicated that the Corps of Engineers have long known that a major rain event would flood our area behind Addicks Dam. The Corps "will deal with it if it happens." These documents will be critical in showing that the Corps designed the Dam to hold more water than the land purchased for the reservoir and that they planned all along to use our property if needed. Under the law, the government can't take a person's property without compensation. We believe, as do our attorneys, that the Upstream claims are simpler and, frankly, stronger than the people living downstream of Addicks which is a separate lawsuit.
- 2. Why sign up with the attorneys now?** There are several reasons we think now is the time to get involved. As mentioned earlier they have been named the primary attorneys to resolve this issue. That means we are with the lead team. As a primary test case, we will get any compensation much faster. Finally, we have all the documentation easily at hand at this time. Because we are providing reams of documents to the insurance company, we have everything readily at hand to share with the attorneys increasing our likelihood of recovery.
- 3. Is that going to cost us anything?** No. The attorneys are working on a contingency basis of 25% of the award. That is

(Continued on Page 2)

Lakes on Eldridge

IMPORTANT NUMBERS

Creative Management Company	713-772-4420
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Waterfowl, Betty Burkett.....	713-302-9929
Sheriff - (non-emergency).....	713-221-6000
Cy-Fair Fire Department - (emergency).....	281-466-6161
(non-emergency)	281-550-6663
Poison Control.....	1-800-764-7661
Texas DPS.....	713-681-1761
Waste Management.....	713-695-4055
(trash collection Mondays & Thursdays)	
TNG Utility (Water).....	281-350-0895
Harris County Tax Office.....	713-224-1919
Reliant Energy.....	713-207-7777
CenterPoint (gas)	713-659-2111
Center Point (street light).....	713-207-2222
(give pole # of street which is out)	
Comcast.....	713-341-1000
Houston Chronicle	713-220-7211
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Truitt Middle School.....	281-856-1100
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Visit the Association Website: www.lakesoneldridge.net

LOE CLUBHOUSE RENTALS

CLUBHOUSE INQUIRIES FOR RENTALS ARE HANDLED BY CMC. PLEASE REVIEW THE CLUBHOUSE RENTAL AGREEMENT FOUND IN THE RESOURCES TAB ON WWW.LAKESONELDRIDGE.NET TO INQUIRE ABOUT AVAILABILITY OR OTHER INFORMATION, PLEASE EMAIL GENERAL@CMCTX.COM WITH LOE CLUBHOUSE IN THE SUBJECT LINE AND INCLUDE INFORMATION ABOUT YOUR PROPOSED DATES, TYPE OF EVENT, # OF GUESTS, ETC. EMAIL INQUIRIES ARE PREFERRED OVER PHONE CALL INQUIRIES DUE TO THE TIME NEEDED TO ADDRESS YOUR INQUIRY.

(Continued from Cover)

the lowest percentage we've seen and we do not have to pay any of their expenses. We will keep the full 75% of the award.

- 4. How long will this take?** Probably a couple of years. The presiding judge over the suit wants to make a determination of the liability of the Corps by the end of the year. That's actually much quicker than most suits of this type. After the liability issue is settled, then the damages can be litigated.
- 5. Should I sign up with this or any attorney?** The HOA cannot and will not recommend any particular firm. We obviously feel this is the best choice for our community, but each homeowner must decide for themselves. We will have a town hall where you can meet with these attorneys and ask questions. We have been told that there are other attorneys out there marketing themselves for "individuals" but Irvine & Conner and Burns Charest represent individuals too. The difference is that our legal team plans to use a procedural mechanism (the class action) to make sure that all individuals benefit from good rulings for the test properties. They will discuss this at the meeting.

LAKES ON ELDRIDGE DOLPHINS 19TH SEASON

The Lakes on Eldridge Dolphins Swim Team will begin their 19th season in 2018! We are again recruiting enthusiastic swimmers ages 5-18 looking to have fun this spring and summer. (Swimmers should be able to swim the length of the pool by the end of the second week of practice.)

LOEST is a voluntary recreational swim team operated for Lakes on Eldridge and surrounding neighborhoods. LOEST encourages a competitive swim team environment and provides the opportunity for growth, training, enjoyment, good sportsmanship and participation to all active team members. LOEST cannot function without parent involvement, so each participating family is required to fulfill a volunteer commitment. It's a great way to meet other families and adults in our community.

Make sure to check out our website loedolphins.swimtopia.com for important dates and anything and everything about the LOEST Dolphins!



CONSTRUCTION AND INSURANCE UPDATE AS OF 1/13/18

We know everyone is anxious to get back to “normal” and we completely agree. Construction is proceeding well despite this unique time to try to get quality contractors and sub-contractors. Some of you may know that we decided to make a contractor change between demolition and re-construction. That change cost us a month in the overall schedule, but will be well worth it in the end.

On construction, we are prioritizing the gate house and we anticipate it being finished no later than the middle of February. As mentioned in the Annual meeting, the gate house was significantly damaged by the flood waters and as we began demolition, we discovered extensive additional damage from rats and leaks. Ultimately, we gutted the whole interior. We’ve made several upgrades to the gate house including heating in the main building, a heater for the outside of the building, and moving all external conduit into the building.

At the clubhouse, work is also proceeding, but the kitchen cabinets are the critical path to completion. They are scheduled to begin next Tuesday. Currently, all the sheetrock and texturing is complete. The trim is complete in the workout room and in progress in the main facility. Painting will begin soon in the workout room and then in the main facility. The pool baths are ready for tile, but that will be installed after the kitchen cabinets since some tile repair work will

also be necessary in the kitchen. If no additional surprises occur, we anticipate reopening everything this spring. However, we will give a more precise date after the kitchen cabinets are completed.

The insurance claim is moving extremely slowly. We finally received confirmation from all underwriters that we had flood coverage in early December. We have only received \$100,000 so far. All our invoices and estimates have been sent to the adjuster, so the delays are on their part. Two major issues are still in discussion – fountain repair and landscape remediation. In both cases, we have submitted estimates for replacement and repair; however, we do not yet have confirmation of their acceptance. The fountains are in discussion due to their proximity to a “special hazard flood zone”. Despite the questions, all but one fountain has been restored to service. Landscape is in discussion due to some disagreements on the specifics of the landscape insurance coverage. Because of the weather and these on-going discussions, we have decided to wait until spring to begin landscape replacements. We apologize for the dead plants and overall appearance issues, but economically we feel this is the best plan for the community.

Thank you for your patience.

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LAWSUIT FOR FLOOD DAMAGE

PERSPECTIVES FROM A FLOODED HOA BOARD MEMBER

Many have asked about lawsuits seeking a real financial recovery for our damages caused by flooding during Hurricane Harvey. I am personally very interested in recovering money for my damages very clearly caused by the Corps of Engineers holding back excess rain water in the Addicks Reservoir that had flowed from miles away such that it flooded virtually all of LOE including my personal home and belongings. While I had flood insurance, my losses are certainly going to be more than what FEMA pays out. So, let me tell you what I know and what I am doing about it and even what I am advising my family members that also have flood damage to do.

Indeed there have been a lot of reports about lawsuits following Harvey. I have read what I can and have met with the attorneys that have filed lawsuits on behalf of clients harmed in the same way as us in LOE. Keep in mind that there are several different types of claimants following Harvey. We, in LOE, are what we can call "Upstream Reservoir Claimants". Folks living along Buffalo Bayou are downstream claimants. There are probably other claimants along other bayous and creeks. Their issues are different than ours. Actually, I think those case are far more legally complicated than ours and will probably be far more contested by the Corps of Engineers than our cases. But, much more has been reported about the downstream claimants and we should ignore really those reports as it only creates confusion.

I have been expecting the Upstream Claimants to be aggregated into a class action. Frankly, I was waiting for a Class Action to be certified and a Lead Attorney to be identified by the court before I was going to engage with any attorney. It just seems simpler and more economical to be engaged with the lead attorney rather than risk engaging with an attorney that will have to turn over a lot of responsibility for my recovery to another attorney after entering some kind of a fee sharing agreement with the lead attorney's firm. I just did not want to possibly get into that trap. Well, while a class action has not been certified, and may not ever be certified, the court is undertaking actions similar to what would occur in a class action to organize and simplify the cases. Most principally, a set of lead attorneys has been appointed by the court. The attorneys I had been in communication with and had expected to be appointed have actually now been appointed into lead roles. In addition, the attorneys I had been asking questions and getting insights from have actually added more depth, horsepower, capabilities and resources to their team in anticipation of gathering evidence and going to trial for a large number of claimants.

As a result, I have personally entered a representation agreement with the firm and recommended to the HOA Board that the HOA enter the same agreement with the same firm to represent the HOA for all the damage done to the common areas in LOE. The Board has met with the attorneys and concurred with my recommendation and signed the representation agreement. I have two family members

that have also signed up.

So, the firm is Irvine and Conner and let me tell you a little more about the team they have assembled. First, Irvine and Conner specialize in seeking recovery for flood damage. They are involved in many flood/drainage suits in the Houston area. They also sued the Corps of Engineers for impacts from the construction of Texas 99 (the Grand Parkway), and related developments, on stormwaters flowing into the Addicks Reservoir. It turns out that during discovery for that lawsuit, many damning documents were found, indicating that the Corps of Engineers have long known that they built the Addicks Levee that was able to hold back water across an area far bigger than the dedicated government owned land. The documents show that the Addicks Levee is able to hold back flood water well in excess of what was held back from Harvey. For those in LOE that did not actually have water in their houses, if another storm comes that puts more rain in northwest Harris County (could be a long way away from LOE) in a shorter amount of time, unless the Corps has made changes to the reservoir and Cypress Creek watershed, every last home in LOE would likely flood. I had five inches of water in my house. The Corps knows that they could hold back maybe as much as five additional feet of water. The documents that Irvine and Conner have show that the Corps have known of that possibility for many years, and simply ignored the potential harm to us. So, while Irvine and Connor have plenty of experience with flooding and Addicks, this round of litigation is far bigger and will likely be more hotly contested. So, they have brought in the firms of Dunbar and Harder along with Burns and Charest.

Larry Dunbar is both an attorney and licensed professional engineer specializing in flood and drainage issues. Larry worked for the Corps of Engineers several years before entering law school. His special insight into the workings of the Corps of Engineers and his highly relevant technical experience will be a significant benefit and resource to our cases.

Daniel Charest specializes in large, complex litigation and brings the resources of a big law firm to bear on this potentially very complicated litigation. He used to be a partner at Susman Godfrey, a well respected firm in Texas. Daniel will likely be one of the primary voices speaking in court on the plaintiff's behalf, but will also oversee the team to make sure that all the many details are gathered, organized and prepared for presenting in court.

What will these attorneys cost? The attorneys have offered to take the risk that no recovery will be had with regard not only to the time and efforts, but also for all of the expenses, experts fees and similar costs to prosecute the lawsuit. But, they will get 25% of the full recovery when it is paid. So, I expect to be out zero money until there is a recovery. And they wouldn't take the risk they are taking if they thought we did not have a good case. From what I know about

(Continued on Page 6)

2018 ASSESSMENTS DUE BY MARCH 1

The 2018 Assessments are due March 1 and your statement was mailed out to you in November. If your mortgage company escrows these funds, please forward the invoice and remittance coupon to them. If you misplaced your statement, please request a copy by email to general@cmctx.com and reference LOE 2018 assessment statement in the subject line. Please do not wait too long as these are busy collection months at the CMC offices.

Your assessment is actually due on or before January 1, 2018. It will be considered late if payment is not received by March 1, 2018. A late fee in the amount of \$100.00, plus interest in the amount of 18% per annum, will be assessed until the assessment is paid in full. Please use the coupon that was enclosed with your statement to ensure that your payment is applied to the proper account. Failure to do so could delay processing of your payment. If you are mailing your payment, please allow 7 - 10 days for mailing as the payments are not coming to Houston and we do not post based on postmark date.

Please make your check payable to LAKES ON ELDRIDGE COMMUNITY ASSOCIATION, INC. You may also pay your assessment on-line by ECheck or credit card via the website at www.cmctx.com. Select the "Online Payments" option. Your assessment payment is not a contribution or gift and is not tax deductible as a charitable contribution for Federal Income Tax Purposes.

For those owners dealing with uninsured flood damage expenses who need to discuss a reasonable payment plan, please email mgarza@cmctx.com explaining your situation and what you propose for a payment plan and we will work with you. Questions about your assessment account should also be addressed to Ms. Garza, Creative Management's Collections Manager.

A huge THANK YOU to all the residents who have already paid their assessment.

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Lakes on Eldridge

(Continued from Page 4)

lawyers that work on these types of terms, their cut of the recovery is typically quite a bit higher. Twenty-five percent is definitely at the low end of the spectrum.

So, what is next after signing with the firm? Each claimant will have his or her own set of damages. Getting those documents and expenses and losses gathered in a form presentable in court will be of principle importance. I think it is one of our primary vulnerabilities and knowing what is needed now, while the expenses are most fresh in our memories will be of considerable importance to me and my family members and probably to all of our neighbors. But after those documents are gathered and preserved, there may be a significant wait for many of us. The judge is asking to go to trial for a small sample of cases trying to establish some guiding principles for all of the rest of us. There will be a first case of someone flooded throughout their entire house. There will be a first case for a business that was flooded. There may be a case where someone had property damage but no water got into their house. For example, I have seen many fences repaired since Harvey and my pool pump failed immediately after Harvey. Water did not have to get into a house to cause people recoverable damage. Another issue is whether our houses all depreciated because of the Harvey flooding. That is likely to be recoverable.

So, as it relates to these sample cases, our legal team has selected the LOE community association, as well as one of the resident homeowners, as being among the test cases in the litigation. It means that we should get a very thorough evaluation of all our damages, and our HOA assets including our roads and brick walls. If it becomes clear that the useful life of these very expensive assets will have been diminished because of flooding, our test case may be very instructive for other HOA's concerned about the damage to their assets that is not apparent to the ordinary observer. It also puts us in line to get our recovery early.

We are working to have Daniel and perhaps other members of the team come to LOE and give a presentation to you in a town hall style event in the very near future. That way, you can judge for yourself.

I know it has been a hard road for many. But for me, I will be doing a number of fixes that will make my house nicer. I look forward to it being complete and being able to move back in. And while I think I am due money for the damage done, I am probably more interested to know that the Corps of Engineers will make changes to our flood infrastructure so that we never flood again in LOE.

Best of luck.

David Westphal, LOE HOA Board Member

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Lakes on Eldridge

WILDERNESS TRAILS IN ADDICKS RESERVOIR

Submitted by Bryan Dotson

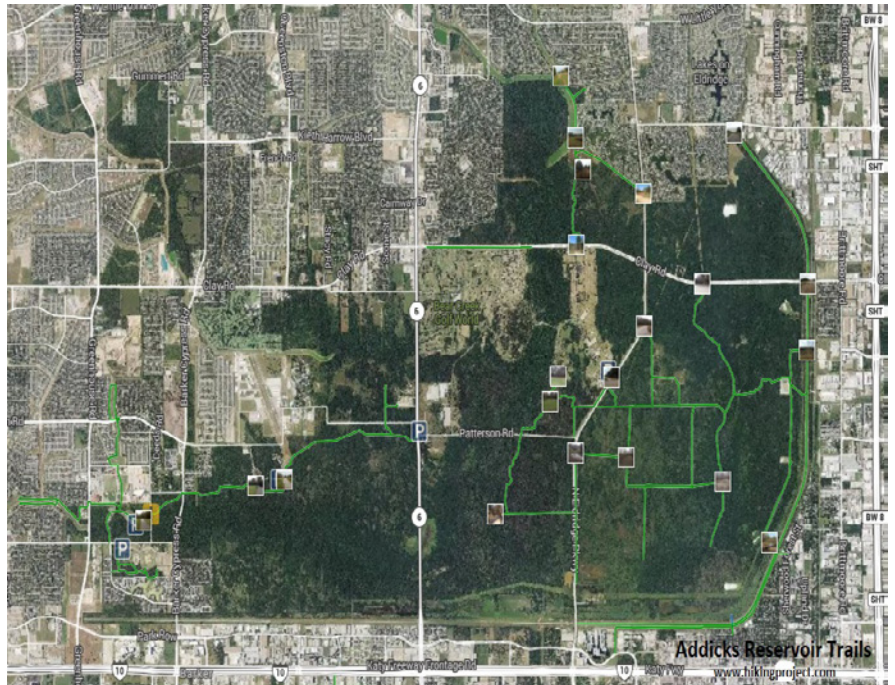
If you are looking for a quick escape from the noise and concrete of west Houston, consider the wilderness trails in Addicks Reservoir. Bear Creek Pioneer Park re-opened last November and the area is now accessible.

You can find detailed maps and information about the trails on www.hikingproject.com; search for "Addicks Reservoir".

Most of the trails are natural surface and are not actively maintained. On these wilderness trails you can encounter deer, raccoon, song birds and hawks as well as snakes, coyote, mosquitoes, fire ants and skunks. Some of the trails are muddy or boggy after rain. Be prepared and alert, and please bring your trash out.

(Note that the Corps of Engineers may close areas to access for wildlife control operations. Look for signs at the entrances to Noack Trail and Miles Trail and please do not enter the area if marked as closed.)

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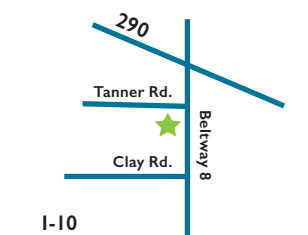
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- Take exit toward Clay Rd., Tanner Rd.
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- The destination will be on your left.

From Beltway S:

- Turn left onto W. Sam Houston Pkwy N.
- Turn right onto Northwest Fwy.
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LOE Book Club



We meet the 4th Monday of each month at 7:30 P.M. (unless we decide to skip a month or change the meeting day). We take turns hosting the meeting and sometimes change the date or book, so please contact celeste.fritz@gmail.com to get the details for each meeting. Our group has lively discussion (not totally about the books) and we challenge ourselves to read out of our comfort zones.

February 26 – Flight Behavior by Barbara Kingsolver. Flight Behavior is a brilliant and suspenseful novel set in present day Appalachia; a breathtaking parable of catastrophe and denial that explores how the complexities we inevitably encounter in life lead us to believe in our particular chosen truths. Kingsolver's riveting story concerns a young wife and mother on a failing farm in rural Tennessee who experiences something she cannot explain, and how

her discovery energizes various competing factions—religious leaders, climate scientists, environmentalists, politicians—trapping her in the center of the conflict and ultimately opening up her world.

March 26 – Commonwealth by Ann Patchett. The acclaimed, bestselling author—winner of the PEN/Faulkner Award and the Orange Prize—tells the enthralling story of how an unexpected romantic encounter irrevocably changes two families' lives. Told with equal measures of humor and heartbreak, Commonwealth is a meditation on inspiration, interpretation, and the ownership of stories. It is a brilliant and tender tale of the far-reaching ties of love and responsibility that bind us together.

April 23 – The Bonesetter's Daughter by Amy Tan. "The Bonesetter's Daughter dramatically chronicles the tortured, devoted relationship between LuLing Young and her daughter Ruth. . . . A strong novel, filled with idiosyncratic, sympathetic characters, haunting images, historical complexity, significant contemporary themes, and suspenseful mystery."

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- Bagged yard waste – please instruct your lawn service to place your bagged yard debris up by your garage and not at the street curb unless they are doing your yard the day before your trash service days.
- Harvey restoration dumpsters at homes – we realize there are still several homes that are still under repair and we hope your repairs are proceeding well for you. Dumpsters, including the bag type, need to be emptied when they are full and not kept in the driveways and in the case of the bag dumpsters, not in the street or on the front lawn. We have seen several that are full to capacity and they need to be emptied. Bag dumpsters should not be put out on the street and allowed to be overflowing, causing the bag dumpster to be covered up and leaving an unsightly mess on the street.
- Harvey restoration – if you are residing in an RV parked on your driveway while your home is being repaired, we ask that you let us know this and the ETA on how long the RV is needed. Please email ckeller@cmctx.com with the information.
- Contractor signs – only one contractor sign is permitted to be displayed on your property and only while work is in progress. If your repairs are complete and there is still a sign in the yard, please remove it.
- Holiday Decorations – we realize the weather has not been consistently decent to allow much work outside. However, it is time to remove all exterior holiday decorations except for door wreaths.
- Wooden fences – more and more wooden property fences are taking on an appearance of needing to be repaired or replaced – warped material, missing trim boards, etc. If you are planning to replace your fence, please be reminded that a Home Improvement (ACC) application is required first. The application is available on the website under the Resources tab or you can request one at general@cmctx.com and in the subject line please put LOE Need ACC application.
- Corner lots that have a wooden fence are required per the restrictions to have a hedgerow maintained along the exterior side of the fence facing the street. Many of these locations have missing or overgrown hedges and also need to have the bed areas weeded and cleaned up.
- House address plaques need to be visible – from a safety standpoint so that any emergency service provider can see the home addresses, we ask that you make sure your landscaping is properly trimmed so it doesn't block your home address plaque from street view.
- Exterior home improvements, including window replacements, require prior ACC application and approval. We process applications very timely to allow proper planning and execution of approved projects.
- There are homes in the community that have no landscaping at all across the front of the home where the landscaping and bed areas were originally installed by the builder. The rules require landscaping and we will be notifying those that need to address this condition.





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