

# ACC Formation

## HOA or ACC?

Control has been tightly held by a small cabal of owners who prefer an HOA with no dues to a full, legal HOA.

## State Law – 57-8a

The Utah State code 57-8a defines a corporation that claims authority to govern a subdivision where owners are required to their own taxes, insurance, or maintenance expenses, as a Community Association. Dixie Springs Architectural Control Committee, Inc. is an unauthorized, unregistered community association that has been conducting business in the shadows since 2014.

## LEGAL HANDOFF

At its formation, DSACC, Inc. members were aware that they needed to get a legal handoff from the developer, Jolley, and Dixie Springs, Inc. since they were technically still in charge of the subdivision. That legal transfer of authority never took place, and the ACC today has no written proof of their claim of authority.

State of Utah Department of Commerce Division of Corporations & Commercial Code

Form 1.01 (05/15) (Rev. 03/15) Page 1 of 3 05/11/15 10:03 AM

EXPEDITE RECEIVED MAY 01 2015

Important: Read instructions before completing form. Non-Refundable Processing Fee: \$30.00

1. Name of Corporation: Dixie Springs Architectural Control Committee, Inc.

2. Purpose: To function as the Association for the Dixie Springs Subdivision

3. Who/What is the name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent)?  
 Dixie Springs & Jones, PLLC  
 Address of the Registered Agent: 520 E. Tabernacle, Suite 100  
 City: Saint George State: UT Zip: 84770

4. Name, Signature and Address of Director:  
 Jenny T. Jones  
 520 E. Tabernacle, Suite 100 Saint George UT 84770

5. Initials:  
 Type 1: [Redacted] Number of Shares: [Redacted]  
 Type 2: [Redacted] Number of Shares: [Redacted]

6. Assets: I own disbursement assets of the corporation will be distributed in a manner consistent with law.

7. Officers:  
 1. Paul R. Brewer Director  
 520 E. Tabernacle, Suite 100 Saint George UT 84770  
 2. John Gibbons Director  
 520 E. Tabernacle, Suite 100 Saint George UT 84770  
 3. Mike DeMille Director  
 520 E. Tabernacle, Suite 100 Saint George UT 84770

Under CRAMA (63-2-301), all registration information maintained by the Division is classified as public record.

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State of Utah  
 Division of Corporations and Commercial Code  
 Verified on May 11, 2015 at the Office of the Secretary and Secretary of State  
 The Governor's Palace  
 Date: 5/11/15  
 Secretary of State

- No legal authorization to create the corporation and assume control over the Dixie Springs CC&Rs.
- State laws have been ignored by the group as they claim exemptions based on the point they are trying to maintain
- Using funds from approval of house plans to sue neighbors into submission over petty "violations."

The organization commonly called the ACC is not legally the same group mentioned in the CC&Rs. In 2014-15 a small group of homeowners incorporated as a nonprofit 501(c) corporation called Dixie Springs Architectural Control Committee, Inc., a nonprofit corporation, to take control of the ACC functions in the neighborhood without authorization from the original developer or fellow lot owners.

The corporation has since established itself as the ruling body, with a group of vocal supporters to push back on any opposition. However, they refuse to publicly recognize their status as a community association because of the legal issues that would come with that admission.

The CC&Rs established the Architectural Control Committee with the purpose "to ensure that all exteriors of homes and landscaping within the property harmonize with existing surrounds and structures." However, Dixie Springs Architectural Control Committee, inc. in recent years has shifted their purpose from approving plans to enforcement of the CC&Rs. The corporation runs unchecked by any form of government oversight, and claims total authority to force all lot owners to obey their mandates.

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## HOA CLAIMS

Dixie Springs Architectural Control Committee, Inc. has claimed to be a community association and an HOA for purposes of:

- Obtaining tax exempt status
- Incorporating
- Filing taxes to maintain tax exempt status
- Obtain liability insurance for board members

## FOR PROFIT ORGANIZATION

Despite their claims of being a nonprofit, Dixie Springs Architectural Control Committee, Inc. has been a for-profit organization since 2015. Annual surpluses over \$15,000 have allowed the corporation to amass more than \$80,000 in resources that are used to legally pursue homeowners and anyone who speaks against them. No actions of DSACC, Inc. are for the improvement or betterment of the community. Property values rise because of high demand and proximity to Sand Hollow State

# VIOLATIONS

The following are issues for which Dixie Springs Architectural Control Committee, Inc. has announced they will be heavily enforcing and for which some owners have already been fined or had lawsuits filed against them:

- Walls over 6 ft tall, despite variances from the City of Hurricane
- Grass being "too long"
- Trailers in driveways
- Trees needing trimming
- Empty lots with garbage or weeds
- Not obtaining a permit from them to change landscaping
- Not having a wall
- Not having a gate on the gap in a wall
- Project cars parked "too long"
- Cars parked in the street
- Having sand barriers in front of the house that were mandated by the ACC when building started, but has not yet concluded
- Campaign signs
- Not sending lease agreements to the ACC for tracking
- And many more...

## In the News

Dixie Springs recently made the news. Not for its beauty or great atmosphere, instead it was for the actions of Dixie Springs Architectural Control Committee, Inc. against two homeowners who are retired police officers and fire fighters who were looking for a beautiful place to retire. The issue is a lawsuit filed against the owners for raising the height of a privacy wall by a couple of feet. Due to the rise in elevation of their lot, the original height was too short to give privacy for the owners when in their backyard and by their pool. After threats from the then President of Dixie Springs Architectural Control Committee, Inc., including financial ruin if they did not comply with his demand. This President and former board member has since resigned from the board due to judgements made against him in the local courts for similar intimidation tactics. The entire time this was happening the board did nothing to remedy the situation.

The root of the problem was that the owners went to the city for a variance on the city ordinance to increase the height, but did not ask permission of the ACC. The ACC wanted them to be contrite and pay a penalty for failure to comply and to make an example of them to others who might defy the corporation.