

No doubt No. 1
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baseball's top spot. — Sports, 1C



A feel for light bites
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at Lake Elmdale. — Outdoors, 1E

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Bella Vista POA sued

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BELLA VISTA — Two people are suing the Bella Vista Property Owners Association over the increased monthly assessment fee for improved property.

Kevin Hickey and Bradley Hull, lawyers from Fort Smith, filed the lawsuit last week in Benton County Circuit Court on behalf of Kevin Dooley and Jim Parsons. The association and its board of directors are named as defendants in the lawsuit.

“Once we officially receive the complaint filed against the Property Owners Association, we will review the allegations,” said Kim Carlson, the association’s director of marketing. “We are unable to make further comments regarding ongoing litigation.”

Association members in January 2020 voted to increase the assessment fee on improved lots from \$24 to \$37 per month. The assessment fee remains at \$16 per month for unimproved lots.

The association began collecting the increased fees March 1, 2020.

The lawsuit states the unequal assessment increase isn’t reasonable. The lawsuit questions the need for the increase and criticizes the association for not providing a financial basis for the increased fee.

Parsons said it’s unreasonable and unfair to design an election where special incentives are given to the majority of the voters to outvote the minority. Parsons said the

nonresident members of the association were allowed to vote in the election, but the plan didn’t call for increasing their assessments. The nonresident members outnumber the improved-lot owners, he said.

A similar proposal failed in November 2019. That proposal would have raised improved-lot assessments by \$11 a month and unimproved by \$2.

The lawsuit wants the judge to prohibit the association from collecting the \$13 assessment increase. The lawsuit is also seeking repayment of the fees already collected.

The case is assigned to Benton County Circuit Judge John Scott.

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