



The Key Allegro
Canal & Property
Owner's Association

Dear Neighbors and Homeowners,

By now, some of you may have received an email from Mr. Chris Kappmeyer, a Real Estate Broker who owns a short-term rental house on Key Allegro. Mr. Kappmeyer is not a full time resident.

Mr. Kappmeyer, in his email, expresses concerns regarding Key Allegro's Documents, namely the updated versions voted upon and passed with over 300 property owners present, plus write-in proxy's, at the Annual meeting held February 27, 2016.

For those who may be unaware, the development of Key Allegro began in the early 1960's, with many of its houses built on pier and beam (stilts) and were sold to anglers eager to have a weekend retreat on a canal in Rockport. At the time, Key Allegro extended only to Mazatlan, the street leading to our Marina. This became known as Unit I.

The original Deeds and Restrictions from 1962, were written by the developer, Carl Krueger, with local realtor Jerre Ledbetter serving on the homeowners' board. As written, back then, the Deeds and Restrictions served the island and its needs.

Over the years, as Key Allegro expanded toward Aransas Bay, Units II, III, IV and V were developed. Additional restrictions and conditions were written for each of these Units, ending with the last street, Finisterre. Restrictions and Conditions for Unit V were written in 1975. Homeowners, who served on the KACPOA Board in 2016, realized the need for updates to the original Deeds and Restrictions to further protect property and development. The logical approach was to consolidate and combine all past Deeds and Restrictions for the sake of uniformity.

Although Mr. Kappmeyer owned property on the island during this time and could have expressed his concerns at that meeting, he did not, as he does not want the changes as outlined or approved at the 2016 Annual membership meeting. Rather, he emphatically stated that he wants the original restrictions of 1962 to remain in place. His legal argument is that it takes two-thirds of property owners in each Unit to make document revisions as according to changes in Texas State statutes. KACPOA's legal counsel, at the time of the 2016 meeting, considered the Documents legal and binding. Mr. Kappmeyer, on his website, also misrepresented the words of a Board member. He asked the Board member how and when the 2017 Declarations were passed? The Board member corrected him, saying the meeting was held on February 27, 2016, not 2017, and the information he sought could be found in the Minutes of the Annual Meeting. Furthermore, Mr. Kappmeyer incorrectly states the Board member told him, "they only needed 10 or more attendees" and that "only 50% was required to adopt the new deed restrictions." That is misleading and false.

It should be noted, the original restrictions were written when Key Allegro had only one unit, but by 2016, there were 5 Units. The 2016 Board was doing its best to unify our Island community. It would be considered folly to think any current homeowner believes there are five Key Allegros.

If one were to compare the original documents to the 2016 revisions, there are noticeable differences. The 2016 Documents have the following changes:

Original 1962 documents state that the Architectural Control Committee has the power to make all rules and regulations.

The 2016 revision states the entire Board, not one committee, is now responsible for architectural oversight as well as changes to rules and regulations.

The 1962 document gave one individual on the Board power to walk on to any homeowner's property, unannounced.

The current Board wishes to amend this to require homeowners' permission to access their property.

The 1962 document allowed for the Board to access any property for the purpose of maintaining, cleaning, etc. and levy charges the homeowner would be responsible for paying. Some years later, documents were filed which allow liens to be placed on canal property owners, who did not repay the Association for costs incurred.

Original 1962 document, for Unit 1, stated that "non-Caucasians" were not welcome and could not purchase property on the Island.

Subsequently, the KACPOA Board has deleted this restriction.

It should be noted Mr. Kappmeyer and those who have similar concerns were invited to meet with members of the Board. When questioned repeatedly, regarding the revised documents and changes he would like to see stricken, he, again, firmly stated he did not want to see any changes made to the original 1962 Restrictions and Conditions without two-thirds majority of all homeowners in each Unit voting. Essentially, preventing the HOA from upgrading because of a technicality. When asked if he had read the documents in their entirety, he acknowledged he had not.

For reasons known only to Mr. Kappmeyer, he wishes to revert back to outdated restrictions and conditions. Mr. Kappmeyer is an HOA activist. His attorney has filed several lawsuits against HOAs intended to prevent new rules and regulations that are not State mandated. Key Allegro's unique island development requires a particular uniqueness that other communities lack. One that requires judgmental decisions which may be necessary to maintain the island integrity and property values.

Your KACPOA Board is comprised of homeowners who serve as unpaid volunteers, most of whom are permanent residents. Each of these volunteers want what is best for Key Allegro. Board and committee members, past and present, have spent countless hours researching previous documents in efforts to refine and modernize to conform, with State statutes. There will always be growing pains, as we found out so abruptly after Hurricane Harvey struck. Our Island's development and rebuilding is coming back stronger than ever, thanks to state mandated rebuilding codes and homeowners who want better, fortified structures. Your Board's intent is to maintain the integrity of Key Allegro by asking all property owners to do their part in making sure Key Allegro will always be a community to be proud of ... one that ensures owners their properties will continue to appreciate in value.

Should anyone have questions regarding this letter, please contact any member of the KACPOA Board. Those who disagree with Mr. Kappmeyer should let it be known by using the contact information on the website he provided via email.

Sincerely,

K.A.C.P.O.A. Board Members