



Andy Mowery <pohoaandy@gmail.com>

Garage/Yard Sale

Pointer Fan <pointerfan@yahoo.com>
To: Andy Mowery <pohoaandy@gmail.com>

Tue, Sep 5, 2023 at 7:32 AM

Here ya go:

September 4, 2023

To Whom it May Concern, including the Mowery family and Poudre Overlook HOA board of directors:

I've been asked to provide information to assist the Mowerys and the POHOA board in evaluating a claim of the Mowerys running a commercial business out of their home. This "business" is that of selling seedling vegetable plants the Mowerys had grown and attempted to sell out in front of their home on their porch and driveway.

I am aware that the sale took place on a Saturday and Sunday on two different weekends in May, 2023. There were temporary home made signs located at the intersection of Headwater Drive – Bubbling Brook, as well as on Overland Trail. At no time did I see any permanence or electrification of these signs, nor was any commercial company name advertised. All that was provided was arrows pointing commuters in the proper direction and the Mowery's address – very similar to what people do for yard/garage sales.

Living essentially four houses away, and frequently working in my yard, I was able to note a slight increase in traffic coming down Headwater Drive at times but it certainly, in my opinion, did not cause a disturbance, a nuisance or any safety concerns.

To me, the seedlings provided a service to any purchaser. They were a good product sold at fair cash prices. I do not believe there was any official bank account or credit card use available as you would expect with a commercial business.

Also, in my opinion, I do not see how this neighborhood sale approached the idea of it being a commercial business. It was much more akin to a neighborhood garage or yard sale or giveaway where "free" signs are placed on items, or kids' lemonade or arts/crafts sales, or cars left on the road with a "for sale" sign, all of which has occurred from at least 11 homes in the recent past, including one home that had a yard sale more than one weekend in one month, and including at least three homes of current or recent past board members.

Rather than spending your valuable time and effort on chasing down any possible violation and penalty, for which I honestly don't think there is an adequate basis to pursue, don't you think it would be a wiser move to take this as an opportunity to create a well-written, clearly stated policy about yard/garage sales? To me, that would be a very wise, prudent move at this point.

Please contact me if I can be of any further assistance to help settle this matter quickly and efficiently so that the board can deal with other issues of concern. I am happy to assist if you would allow an external opinion to be considered.

Matt Clark
2688 Headwater Drive
pointerfan@yahoo.com

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