

Elk Falls Property Owners' Board

6/21/2010 at Bob Phelps' home

Present:

Paul Vastola, president
Suzy Nelson, roads
Renaë Braun, treasurer
Fred Wells, architecture
Bob Phelps, secretary

Guests:

Jane Hulko
Vicki Beacom
John Carr

1. The meeting was called to order at 1915 by Paul Vastola. The minutes of the last meeting on 5/25/2010 were passed out and reviewed. The minutes were approved.
2. Introduction of guests and guest comments.
 - a. Jane – Board officer election question: Can someone run for the board who is not a “homeowner”? The individual in question has lived at Elk Falls for some time but the house is not in his/her name. Jane did not want to identify the individual. Fred interpreted the bylaws that membership in the association was not necessary to run for and be a member of the board. Although such an individual can't vote at the annual meeting they can nevertheless be a Board member and have a vote on the Board.

It was noted that according to the bylaws, in the definition of a director section – a Board member is required to run again. This was interpreted to mean that if a current Board member wants to serve an additional year they must run again and be re-elected, and not that a Board member must run for a subsequent term.

It was noted that the most recent Bylaws is not the set posted on the web page. A revised set of Bylaws will be submitted for posting on the web site.

Finally there was a discussion about attorney-client privilege as it related to Jane Hulko's request for copies of Association billing documents from the attorneys. It was noted that releasing attorney-client privileged information, such as billing statements, could prejudice the HOA.
 - b. John – John had no comments.
 - c. Vicky – Came because of Sam Shapiro's letter forwarded to all homeowners and Association counsel. Speculations were made as to the motivation of Shapiro and Wolf writing the letter.
3. Old business – none except for items already discussed above.
4. Road report and current conditions – Scott Crawford rode the roads with Suzy two weeks ago and he was to pull ditches and grade roads as soon as we had moisture. Work has started that and thinks he can stay within the \$3000 limit.
5. Treasurer's report – we've collected \$3000 in dues since the last meeting – approximately \$10,000 is still due and we will probably collect \$4000 of that. There was a discussion of what happens when a member declares bankruptcy and/or is foreclosed upon. It was decided that we should follow Association policy and file liens even if it may not result in any additional collections. The current bill on the access case through May 12 is \$2471.02
6. Architecture – No requests to make improvements have been received.
7. Annual meeting agenda
 - a. Guest speakers – Should there be a Firewise speaker? Probably not because there will not be enough time given other important business that must be covered at the meeting. Charlotte and Fred and several others were at the meeting for Shaffers Crossing West. This proposed development at the corner of Shaffers Crossing and Hwy.

285 is important because of its proximity to Elk Falls. It was suggested that because of time constraints to only show the map of proposed development and not to include it on the Agenda at the Annual Meeting.

- b. Staunton Park presentation – Ranger Scott Rausch is gone (promoted). There should be a new head ranger appointed by July 11. Suzy will contact him or her.
- c. Fred Skillern will attend the annual meeting (arrival scheduled for 2:30) and will explain the status, etc. of the law suits.
- d. The possibility of having a special assessment ready for the membership to vote on at the annual meeting was discussed. It was decided that we should get a budget together with projections and decide whether we need a special assessment and how much. A projected budget for the litigation is due from Skillern shortly. The general feeling was to use the legal fund as an emergency cushion and return it to donors if not needed.

8. New business

- a. The Folkers, new residents in the Berg house, requested a mailbox. It was moved to lease them a mailbox for \$150. Approved. Paul was appointed to visit them and possibly offer them an invitation to join the association if it seemed appropriate.
- b. Fred is working with Monica Lester regarding discovery, interrogatories, requests for production of documents, etc.
- c. It was agreed that we should ask Skillern to file a request for a partial summary judgment unless he feels strongly otherwise.
- d. The next hearing on the covenants case brought by the Shapiros and Wolf is scheduled for Sept. 2. This hearing is to determine the amount of attorney fees to be paid by the Shapiros and Wolf to the Association as the prevailing party.
- e. A payment on the covenant case will be listed on the annual statement as accounts payable in September in the amount of \$12,610.22. Theoretically this will be recovered from the plaintiffs. Our counsel has agreed to temporarily defer payment of this invoice, but for how long hasn't been discussed or determined.
- f. A motion for the approval of \$100 for refreshments for the annual meeting was made and approved.

9. The meeting was adjourned at 21:10.

Respectfully submitted,

/s/ Robert Phelps

Bob Phelps, secretary