

JAN 25 2010

HLEPOA Board Meeting

12/9/09 5:30-6:30 p.m.

In attendance: Brad Blasi, Vella Campbell, Megan Henderson, J.B. Hite

Discussion of agenda items for annual meeting:

Meeting scheduled for January 28, 2009 at 7 p.m.

Roof and shed near mailboxes were painted (cost of \$650)


Only 2 "debtors" left in the neighborhood

Discussion items:

- possibility of a bulletin board near mailboxes
- weeds/county official may come and speak

Other items: Can we legally tow cars parked near the gate at the top of Overhill?

There was also discussion of the Tobins using Continental as their primary entrance and exit despite not being HOA members.

  
1/22/10

SEP 29 2009

Board Meeting 9/17 via telephone:

The Board unanimously voted to put liens on two properties that are significantly past due on their accounts. The properties are located at:

5228 Arrowhead, Fort Collins, CO  
5224 Rimrock Lane, Fort Collins, CO

Submitted by Megan Henderson

Megan Henderson  
9/25/09

Howetooth

December 9, 2008

6:00 p.m.

Members present: Brad Blasi, Vella Campbell, Megan Henderson, J.B. Hite, Rich Tarsio

New "No Soliciting" sign and "No Parking Signs" were ordered (as approved by the previous Board under the presidency of Keri Armbruster)

Bank account balance is approximately \$14, 000 (road maintenance expenditures have been approximately \$9,000)

Architectural Review Committee-Brian Oliver would like to remain involved

New homes built in the neighborhood are connected to sewer system

Noxious weeds: Are they the responsibility of the HOA or is up to individual homeowners?

Brett is investigating a law regarding private road use and who is required to pay fees that are used for road maintenance

Tentative Agenda for Annual Meeting (scheduled for January 22 at Spring Canyon Water District)

- Financial report
- Noxious weeds
- Information on lead in water
- Speeding
- Fire safety
- Vote on assessment for new construction (to pay for road wear and tear)
- Share new Board decisions (regarding inviting unincorporated lots to become covenanted and fee clarification for lots that adjoin homes)

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10/20/08

Resolution: The Board unanimously approved (via telephone conference) a \$25 reduced annual fee for lots that are incorporated onto a homeowner's property. The fee will remain \$50 annually for lots that are not incorporated or are separate from the owner's home.

Resolution: The Board unanimously decided (via telephone conference) to send letters to homes not yet covenanted that would invite them to join the HOA (by having them sign the Ratification and Perpetual Covenants and pay annual dues for road upkeep).

Submitted by: Megan Henderson, Secretary  
October 28, 2008

A handwritten signature in cursive script, appearing to read "Megan Henderson", written in black ink.

**BOARD OF DIRECTORS MEETING 1-9-2008 TIME 2:00 PM  
RICH TARSO NOT PRESENT  
MEGAN HENDERSON J.B. HITE BRAD BLASI VELLA CAMPBELL PRESENT  
LOCATION 5208 ARROWHEAD MR. HITE RESIDENCE**

1. MEGAN HENDERSON WOULD LIKE TO BE SECRETARY SHE WAS THE FORMER SECRETARY
2. RICH TARSO VIA PHONE CONVERSATION WOULD LIKE TO BE VICE PRESIDENT.
3. MR. J.B. HITE WOULD LIKE TO BE THE PRESIDENT
4. VELLA CAMPBELL WOULD LIKE TO BE OFFICER AT LARGE IN CHARGE OF THE ROAD MAINTANCE AND SNOW REMOVAL
- 5 MR. BRAD BLASI WOULD LIKE TO BE THE TREASURER.

A MOTION BY VELLA CAMPBELL THAT ALL BOARD OF DIRECTORS HAVE THE POSITIONS THEY WANT.  
J.B.HITE SECOND THE MOTION.

MEETING ADJOURNED

THE BOARD OF DIRECTORS ARE:

J.B. HITE PRESIDENT  
RICH TARSO VICE PRESIDENT  
MEGAN HENDERSON SECRETARY  
BRAD BLASI TREASURER  
VELLA CAMPBELL OFFICER AT LARGE



PRESIDENT J.B.HITE

## **Special Meeting of Horsetooth lake Estates Property Owners Association**

**7/25/07**

**7:00 p.m.**

### **ProHOAm**

- ProHOAm, a management company specializing in Home Owners Associations, has been hired to bring the HOA to the level of efficiency that members expect. Jeri, a CPA from ProHOAm, recreated financial records from 2004-2007. Financial information is available to members, but you must ask or attend annual meetings.
- ProHOAm also verifies that the HOA relationship with Shannon White (road maintenance) is in good standing; there are no law suits or outstanding bills.
- ProHOAm states that Board members have their annual dues waived for one property only.

### **Bylaws**

The board discovered 1998 bylaws, as well as voting cards, and realized that these were valid and current. A 2/3 majority of votes cast was required for their approval. 60 yea and 4 nay voting cards passed the bylaws, but they were not recorded with the county clerk. The attorney verified their legality and recommended to file them as soon as possible; thus, they were notarized and filed by the Board Secretary. These bylaws were sent to all members on 6/21/07 with a ProHOAm invoice.

### **Road Report**

- Vella Campbell, Board Member at Large, reminds members that the road is recycled asphalt. It looks like pavement, but it is not-the speed limit must be observed in order to prevent road damage.
- Winter snow removal involves plowing and sanding up to four times a day. Fuel and material costs have increased, and the cost of road maintenance has therefore increased as well.
- Pipe work on Overhill required spring road work to be done in 2 intervals. The second interval will be finished when Spring Canyon finishes its work.
- 2 new fire hydrants have been added, potentially reducing homeowners insurance fees.

### **Validity of the Board**

A Board vacancy can be filled by appointment until an election is held.

An election is not valid without a quorum.

Board members serve 2 year terms.

From 2002-2004, only 2 people attending the annual meeting.

2006-There was no official vote because current Board members did not know it was required. However, Brad Blasi (President at the time) opened the floor to volunteers who wanted to serve on the Board. There were no volunteers.

Based on the bylaws, the next election will be in 2008, but the President, Keri Armbruster, would like to open the opportunity to others before that. Call ProHOAm if you interested in becoming a Board member.

A special meeting can be called in 45 days in order to hold an election or the current Board can serve until the regularly scheduled annual meeting in January. By a show of hands of members present, the overwhelming majority votes to keep the current Board until January.

### **Legal Proceedings**

Litigation was necessary in order for the HOA to regain access to financial records from a community member, Kris Van Driel (case #2007 CV 341). The court ordered the documents returned and also awarded court fees and costs to the Board. Kris Van Driel then filed a counterclaim against the HOA, but this case was dismissed by the court.

17 community members contacted an attorney with an information request. Had the HOA not already been in litigation, this request would have been personally handled by the Board. But it was referred to an attorney, thus resulting in even more legal fees for the HOA. The 17 HOA members who contacted attorney Josh B. Zugish are:

Dallas and Brenda Powell  
Ed and Beverly Burton  
John McKean  
John O'Conner  
Charles Pharris  
Rich Feller  
Ronald and Sally Jones  
Eric Johnson  
Jean Arrasmith and Nancy Oyster

Steve Geissler  
Peter and Gena Brandvold  
Thomas Taber  
Michael Biggs  
Simon Ahlgren  
Charlotte Rowlands  
David Arnoff and Lauren Kerzicnik  
Steven Viert

### **Billing and Past Due Collections**

Financial dealings are now the responsibility of ProHOAm, who will assist the Board in the implementation of a collections policy (which is detailed in the bylaws).

ProHOAm states that the neighborhood consists of 49 lots and 148 homes. 18 homes are not coveted into the HOA.

It is now possible to pay by credit card. Payment plans without interest are possible. Contact ProHOAm for more information.

The Kiowa Act applies statutory liens automatically on past due properties.

Minutes 4/17/07 8:30 p.m.

In attendance: Keri Armbruster, Vella Campbell, Brad Blasi, and Megan Henderson

Keri provided an update on the "proof of cause" hearing. HLEPOA vs. Kris VanDriel-  
HLEPOA won. Keri has the books in her possession.

Susan will help verify that everything is there-judge ordered her to give electronic data,  
not just paper files.

General points of the hearing: Kris had no legal grounds for holding books and was  
ordered to turn them over to Keri.

Attorney recommendations:

Certify bylaws with notary.

Purchase a corporate seal.

Record bylaws with county clerk.

Keri will draft a letter to the general membership that will be reviewed by the attorney.

Call a special meeting to clarify the compensation of the Board...

Look into the suspension of member in good standing.

Board will read bylaws and highlight key points.

Have attorney drafted bylaws with an attorney seal.

Get organized.

Keep electronic copies of vote cards for 1998 approval of bylaws.

Turn over financial records to a third party.

File taxes.

Decide on/implement a formal lien structure.

Create a map of which properties are covenanted. Properties not covenanted could not  
accrue "aged receivables" because we have no legal recourse to collect.

Verify with title companies "ratification of perpetual covenants.

Keri would like to maintain a 5 person Board.

The treasurer can make deposits (inn accordance to bylaws) but all financial information  
will funnel through a third party.

\$3600 in legal fees is owed. The attorney will file a motion in an effort to have court  
costs paid for. We are also still waiting to receive electronic data that was ordered ot be  
returned.

Bret will come to the general meeting.

Keri suggests having Shannon at the meeting to discuss roads.

Brad wonders if a 3 person architectural committee is necessary. Also, should they offer  
regular communication with the Board?

A handwritten signature in cursive script, appearing to read "Megan Henderson".

Keri moves to appoint Susan to handle title company requests on behalf of the Board until a treasurer is appointed. Second by Vella.  
Susan will go to the bank to put Keri on the account.

Discussion of a general meeting to address a recall. Or should we wait until, the annual meeting in January?

Susan suggests looking into whether meeting minutes need to be made public.

As noted by Bret: bylaws state that any member with a complaint must exhaust all internal organizational protocol before going to court.

Additionally, the statute of limitations on any debt is 6 years. Kris's audit to 1996 is therefore void.

Suggested by Alden: fix compensation for the Board instead of waiving dues.

Brad suggests amending the bylaws to clarify waiving dues. Keri agrees.

A handwritten signature in cursive script, appearing to read "Megan Alden".

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4/12/07 8:35 p.m.

In attendance: Keri Armbruster, Brad Blasi, Vella Campbell, Susan Bastian, and Megan Henderson

Friday 4/6/07: A complaint was served in order for the Board to re-gain possession of financial documents. The person served with the complaint has 20 days to file an answer (she must release records and also not destroy any documentation). After 20 days, a court order will be issued.

A hearing is scheduled for Monday 4/16/07. It is an ex-parte meeting, where only one party must be present. Keri will be in attendance.

The neighborhood is under the Colorado Common Interest Property Act (Statute CRS 38-33.3. This states the Board can release the books to a qualified third party without getting HOA approval.

Keri met with the attorney on Friday 4/13/07 to review past membership minutes and supporting documents.

The attorney wants the past 3 years of annual meeting minutes to confirm the vote on past Boards. Susan has turned over all documents in her possession.

It was discovered upon going through back paperwork that a new set of bylaws was voted on, approved, and adopted by proxy (mail in ballot) in January of 1993.

Keri will present these current bylaws to the attorney on 4/13/07.

After initial perusal, it appears that significantly more power has been given to the Board of Directors. The Board does have the power to fix compensation.

Financial documents that need to be returned include: expandable red file folder, handwritten "payments received" information, receipts from 2005-2006.

These documents are needed to: continue billing in order to do spring road maintenance/snow removal, present a current and accurate financial picture, and to know which members are in good standing. Additionally, title companies can not reconcile lot payments and it can not be reported to title companies what amount is owed by sellers.

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4/3/07 8:20 p.m.

In attendance: Keri Armbruster, Vella Campbell, Megan Henderson, Brad Blasi (via phone)

Tonight's meeting was recommended by the attorney.

Effective 4/3: Brad Blasi stepped down as President. The increased time commitment of the current situation conflicts with his business and Keri is able to devote more time to current issues.

**Motion 4/5** by Keri to appoint Brad as Vice-President-Second by Vella

**Motion 4/5** to accept Brad's resignation-Second by Megan

Vella will step down as Secretary to become a member at large in order to be a road expert/consultant.

**Motion 4/5** by Keri to appoint Megan Henderson as Secretary-Second by Vella

Susan Bastian has formally resigned as Treasurer because the current situation has caused her to research her real estate license in relation to the board because of possible conflicts in interest.

Who would the board like to appoint? Keri would like to fill in during the interim.

Vote from the board of directors regarding the legal pursuit of seized financial records - Second by Brad

Ayes have it-Board unanimously votes to use association funds to pay attorney fees.

As per attorney suggestion, a motion will be filed with the district court demanding the surrender of financial records and fees (attorney and filing). Motion will be filed 4/6  
Ayes have it-unanimous vote by all 4 board members in attendance

Keri is drafting a letter to the HOA general membership (members in good standing can vote, but members in good standing remain unknown because of seized financial documents). Members in good standing will be able to vote on 2 amendments to the bylaws. 1). Get approval for the board to turn over bookkeeping to a professional service in order to avoid future questions of integrity. 2). Renew membership approval of (and provide clarification regarding) the compensation of board members through the waiver of annual HOA dues.

Postcards will be sent with information and will also serve as absentee ballots.

Possible date for meeting of general membership-May 10, 7 p.m. (date to be determined within 5 days)

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Once Keri's letter is complete, it will receive attorney approval before being sent.  
KG Campanella discussed as possible candidate for treasurer

Minutes submitted by Megan Henderson

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