

Forest Lakes Property Owners Association
Meeting Minutes
January 9th, 2006

Opening

President Wendy Klusack called the meeting to order at 7:00pm at the recreation center on Alpine Forest Drive. Board members present were Wendy Klusack, Cary Breeze, and Becca White. The POA's attorney, Bill Zimsky was also present.

The meeting was attended by 7 residents.

Contact info for the POA remains the same.

Wendy explained the reason for her temporary resignation. A medical record error resulted in her being scheduled for surgery. It wasn't until she had been through several pre-operative procedures that it was discovered the films had been mixed up. Since she won't be recovering, the board asked that she re-join them as President.

Committee reports

Architectural committee reported approving 1 house. It was stated that together, the Architectural committee and the POA board passed a motion to provide individual waivers for the \$500 construction deposit. With the uncertainty of the POA, it was determined that the deposit could no longer be collected on the good faith that it would be fully refunded upon completion of the home. The architectural review fee for all projects will continue to be collected as the service is still being provided. The reason for providing individual waivers is that if the POA should continue, the practice of collecting the \$500 deposit could continue. There were no other committee reports.

Business

Cary gave the Treasures report. The full report is available on the FLPOA website.

Wendy thanked the community member who has volunteered to take on the responsibility of shoveling the mail stop.

Wendy reported on the efforts made by the board over the last month. First it was announced that the stipulations put forth by Mr. Zusy to release the funds awarded to this client, The Tolfs, and Ms. Bliasdell were signed on December 22nd. On January 2, Mr. Zusy approached Mr. Zimsky with a proposal to settle this case. He very clearly stated that he had not yet gotten the Tolf's approval or authorization. The offer was explained as such; *The board grants the Tolfs a variance on the car port. The POA and the Tolfs agree to dismiss the appeal and underlying suit with prejudice and each party pay their own costs and attorney's fees. The Tolfs keep the money they have recovered from the POA to date, but release all other claims against the POA and current board members. The parties agree that they release all claims with respect to attorney fees,*

regarding the false document/false lien claims and the covenant violation. It was explained that Mr. Zimsky felt this agreement was better than the one the board was willing to consider previously. Wendy stated that the board agreed with this agreement and gave their consent for Mr. Zimsky to agree to these terms to bring this matter to a close. The board was hopeful that if these terms were agreeable to the Tolf's, the association could continue on and shift their focus to more positive endeavors. Unfortunately, Mr. Zusy informed Mr. Zimsky on January 6th that his client (the Tolf's) would not release the POA from any and all claims as part of a settlement. They would like to settle all the appeals in the Tolf's favor, have the POA grant a variance and give up nothing in return. Mr. Zimsky and the board did not see how this type of settlement would benefit the POA. This along with an e-mail that was sent to the board member's personal e-mails addresses on New Year's Day, by Mr. Tolf, filled with threats of new legal pursuits, caused the board to recommend the course of dissolution for the association.

The process to collect a vote regarding dissolving the POA was described. A letter explaining the options for the future of the POA will be sent to all current POA members on Monday, January 15th. A vote card will be included and members will have until February 12th to return their vote. An announcement will be made at the February 13th POA meeting and the results of the vote will be posted on the website. It was explained that 24 votes would be needed and a majority of those votes would determine the outcome of the vote.

Examples of the letters to be sent out were made available and it was stated that the letter would be posted on the website. The board very clearly stated that they believe the best course of action for the community is to dissolve, but if the members should vote otherwise, then community members would need to step forward and pursue an avenue they felt best for the community.

Questions

Community members asked for clarification of past legal statements made by Bill Rasure. Mr. Zimsky fielded those questions. The issue of finding a "middle road" was discussed. The board stated they feel they have exhausted the POA's options, but would be open to hearing suggestions of the public. None were given at that time. One homeowner expressed his concern over the state of limbo the covenants seem to be in. He stated he was unclear as to what set of covenants unit 4 should follow and questioned how this would affect the sale of homes in unit 4. It was stated that if a home had an architectural approval certificate on file, then the sale of a house should not be hindered by the fact that some component of the house may not be in compliance with the 1978 covenants, if these are in deed the covenants to be followed. The question of obtaining some sort of recognition from the courts as to what set of covenants are enforceable was addressed. This homeowner expressed their interest in seeing this be done before the association dissolves. Lastly, the issue of what would happen to the architectural files was raised. The board did not have an immediate answerer, but stated they would look into that, if the vote favors dissolution for the association.

Wendy Klusack adjourned the meeting at 8:30pm. The next meeting will be Feb. 12th at 7pm.

