

Forest Lakes Property Owners Association Meeting Minutes

November 14th 2006

Opening

President Wendy Klusack called the meeting to order at 7:05pm at the recreation center on Alpine Forest Drive. Board members present were Wendy Klusack, Cary Breeze, Lori Edwards and Becca White. Bill Zimsky the POA's new Attorney was also in attendance.

13 residents attended the meeting.

Wendy Klusack welcomed everyone and thanked those in attendance for coming. Wendy started by saying the POA had the most positive news to share since this board formed. She explained the board had hired Attorney Bill Zimsky to represent the FLPOA. It was stated that Mr. Zimsky was asked to assist in the prospect of reaching a settlement in the FLPOA vs. The Tolf's case. Wendy explained that Mr. Zimsky would be giving a summary of events that lay ahead for the POA later in the meeting.

Business

Board members introduced themselves and contact information for the POA was given. Mail can be sent to the POA mailbox at 1782 Pine Valley Rd. Bayfield, CO 81122. E-mails can be sent to [HYPERLINK "mailto:flpoa2@yahoo.com"](mailto:flpoa2@yahoo.com)
flpoa2@yahoo.com.

Messages may be left at (970) 884-3686

Committee reports

Architectural committee reported approving 1 house, 1 shed, 1 garage and 1 carport.

The covenant committee had no report at this time. Wendy Klusack reported that covenant violations are being logged, but with no one to write letters, logging the violation is the only action the board can take at this time. Several attendees expressed their concern over the lack of enforcement. The board expressed their need for volunteers to help with enforcement.

The community wildfire planning committee had no report for this meeting.

The welcome committee did not have a report at this time. Wendy Klusack stated that Lucy Ruduski has resigned as Welcome Committee Chairperson. Wendy asked that any interested community members, please let the board know as soon as possible because this is not a responsibility the board can attend to at this time.

Treasures report

Cary Breeze presented both the September and October financial reports. It was explained that a negative balance in the old accounts were accruing overdraft

charges everyday and that is why the old accounts show a negative balance. It was stated that the necessary people would be removed from those accounts and the new board would gain access to those accounts as soon as possible.

Boo Bash

Becca White reported on the successfulness of this years Boo Bash. She explained that roughly 60-70 people attended and that the party was put on without using POA funds.

Information Update

Lori Edwards reported that the board would not be publishing the information that was promised at the “special” POA meeting. It was explained that after extensive research, the board was not confident of the integrity of the information they could find related to the Tolf case. Lori explained that most of the information was damaging to community members and full of contradictions and the board didn’t feel that type of information would not be helpful in informing people of past events. The board did offer to explain any specific questions people might have. None of the attendees had any questions at that time.

Bankruptcy Report

Wendy Klusack reported that the bankruptcy case had been dismissed by the UST on Wednesday, November 8th. Wendy explained that the board did not see this action as being detrimental to the association moving forward. She explained the case was dismissed largely in part to the numerous procedural errors caused by the POA’s former council. It was explained that the association had to pay \$500 total during the bankruptcy proceedings.

Report on legal matters

Wendy Klusack explained that while searching for new representation for the association, she explored the service of a mediator. While this option was most economical, she explained that the board agreed they needed more assistance then a neutral party could offer. Wendy stated that while meeting with a mediator, she also met a woman by the name of Naomi Riess of Riess Research and Planning. Mrs. Riess acts as an administrator for several POAs in the Durango area. She can serve in a number of ways, but Wendy explained the first item she could help the POA with would be procedural issues. She explained that in the near future, the board would explore the option of obtaining Mrs. Riess’s service to help implement an efficient policy and procedure outline for this new board to adhere to. Wendy admitted that this board lacked the necessary knowledge and the enormous amount of time required in re-organizing this association alone. One homeowner suggested obtaining books providing guidelines for POAs and another homeowner questioned the financial aspect of obtaining these services. Wendy stated that these were both warranted questions and she explained that these services are just an option the board would like to explore down the road.

Next, Bill Zimsky introduced himself and explained why he was joining the

POA as our legal representation. He explained that the board, acting within their rights, had come to the decision to make a formal offer to Mr. And Mrs. Tolf and asked him to assist in the matter. He stated that he was clear on the association's intentions and agreed with the board that settling the Tolf matter would be in the best interest of this community. He explained that he was drafting an offer based on theory of "what does the association need to meet their obligations of returning monies held in trust and to operate for a period of one year". He explained that through creating a conservative budget for a one year period and then creating a verifiable list of people whom the association is holding monies in trust for, he would be able to submit an offer to the Tolf's for their consideration. He explained that the board had taken into consideration the list of items the Tolf's would like to see in an offer that was presented to the board during the settlement conference, and then explained what items the board was willing to put forth as an offering. It was explained that the board had not yet finalized a dollar amount due to the trust monies not yet being verified, but that they had settled on what non-monetary terms they were willing to offer. Several community members expressed their concern over the request of assigning claims to the Tolf's against former board members and Wendy clearly stated that that was not a term they would be including in the offer. She explained that this board was not interested in pursuing any claims against previous board members. A community member questioned the request to assign claims against Travelers Insurance Company and against Bill Rasure. Both Wendy and Mr. Zimsky explained that they would not be interested in pursuing claims against Travelers for fear of raised premiums and lack of sufficient evidence that Travelers had failed the POA in any way. It was stated that the POA would look into what type of policy the association was covered under and if this policy was sufficient. Regarding claims against Mr. Rasure, it was stated that this would be an item included in the offer. The board expressed their concern about the negligence in which Mr. Rasure displayed while representing the POA, but explained that they did not wish to accrue the costs involved in pursuing claims against him. It was stated that they felt any claims against brought against Mr. Rasure would be futile due to probability of collecting the claims being impossible. Wendy explained that the final draft of an offer would be placed on the website and at the mailstop as soon as it had been approved by all board members.

Open Forum

Wendy Klusack explained that there had been a change in the agenda because the resident who requested time on the agenda regarding Metro matters was not in attendance. Another resident explained that she had to be out of town on family matters, but would like to be on next month's agenda.

One community member asked about the possibility of restructuring Forest Lakes to be it's own town. Mr. Zimsky fielded this question and explained that it would not be possible at this time.

Another attendee suggested that the board read through the past meeting minutes and agendas and the board explained they had already utilized that resource.

Lastly, a community member notified the board that the light bulb was out at the mailstop and that the doggy-pot bags were gone. The board agreed to look into those matters and rectify them ASAP.

Wendy Klusack adjourned the meeting at 7:45pm. The next meeting will be December 12th at 7pm.