

Minutes for meeting 8/24/14.

In attendance:

Samantha Schaefer

Jeff Shevenock

Danielle Stewart

James Dorf

Vince Caccamisi

Guest speakers:

Brian Fuller attorney

Phillip Lerner PL Consulting, collection

6:40 meeting called to order

table approval of minutes

Account status, \$240 m&t \$139 at wells fargo. owe Dan \$2750. owe additional charges

Must do everything by bi-laws so that if anything is called into question, can stand up in court.

Questions and Answers. Lawyer and Collections

Phil-collections-needs to create a letter to send as the initial invoice that gets sent out for the HOA fees for the year. Phil gave us copy of letters (3) that will be sent for 3 notices before turn over to lawyer.

Needs to have a contact number on the letter for people who get it. Can we have the payments sent to collection so that we don't have them sent to our mailbox? This will be able to be changed. Payment can also pay online.

Board gives autonomy to the lawyers offer in regards to the dues letter. Law office can approve all letters the collections office sends out.

First letter for 2014 dues go out Tuesday the 3rd. All agree.

Send a letter out that board had hired pl consulting, include summary of what is happening, dues coming due in few weeks and also a new due date for 2015. Also include that if they do not receive it, contact us so that we

Dues:

We need to send a letter out to those still owing for 2013, including the additional 10% penalty. Need to draft letter. Need to identify the actual amount. Also include \$5 or 5% late fee. You can always not charge late fee, etc, but make sure to include fees in letter, it will make them contact you. Can tell them we will waive their late fee if they pay. Include all line items on invoice, and if pay within next ten days, can waive late fee. Can include possible lawyer fee (\$225-\$1000) if taken to court. Should PL send out final collection notice? Yes. Board approves.

Attorney:

Assessments. Emergency or unforeseen expenses. Would rather wait until dues from 2014 and 2015 come in before worry about assessments. Going to put together budget, especially for general grounds upkeep. Vince asked about special assessments. Need to have 2/3 of owners approval in vote.

Parking: ??County can paint lines and then can charge \$25 per year for 2 spots per county. County gets money. would need parking sticker.

We can assign parking spaces. Can we find out about getting parking spaces painted? Will be checking the paperwork to see if the county has control over painting spots.

If we decide to use permit with 2 spaces, can tow if do not have permit. Pay your dues, get your parking sticker. Where do we get "parking permits"?

Fees:

Process, when dues do not get paid? after, 3rd notice, lawyer sends letter...1File a lean. send owner notice of intent going to file a lean. you have 30 days to pay. if not paid, will file lean. recorded against property . secures if owner sells, transfers, refinance. cannot do any of that until paid off. Protects against bankruptcy. If owner files bankruptcy chapter 7. owner files, gets discharge. lean still survives. cannot sell. chapter 13, we get percentage of payment plan. 1. do you want to file a lean every year. lean only lasts 2 years. 2. authorize 1 lean. \$400 for 1 lean.

1 demand letter and straight to lawsuit. Do you really want to pay \$400 for \$175 to save from bankruptcy.

Filed in district court, suit goes against individual. Garnish wages, garnish bank acct, levy personal property. Suit is \$350, filed under affidavit. Owner is served with the suit. Owner is responsible for all lawyer fees. \$200 to verify that the person owns property, is not under bankruptcy. Can go back 12 years, documents are set under seal.

Billing options. 1 bill as you go. \$200 or \$350 (includes file lien)to open file, file suit, open lien (\$160 or \$310) Could be \$900+

2. Open file, file lawsuit, goes to trial or affidavit judgment...payment to lawyer, then to us.

3. file lawsuit where there is a bankruptcy or foreclosure or judgment

2, if owner pays suit, we may never see bill. Judge may make them pay assessment, but not the lawyer fees. We may need to include that lawyer fees in our budget and include in HOA fees for the future.

Keep in mind, the number of cases that go all the way to the judge is minimal, most will settle beforehand with the attorney.

Board agrees that option 2 is best option. Samantha proposes, Jeff seconds. rest in agreement.

4 units under foreclosure. Foreclosure cancels liens. Only way we get paid is if they get paid more than they are owed. Does not do anything against a judgment. James will send letter to Brian with homes in foreclosure.

Need to change bylaws. 1 board of directors changing to 5 board of directors. 2 supposed to have board director meeting every month. change to have 4 per year. 1 general meeting date to be determined per year.

Positions:

Jane is resigning from the board. Position of treasurer is open. Vince Caccamisi is nominated. Jeff seconded.

Samantha is resigning from her position as secretary. Resignation is accepted. Vince nominates Danielle. Jeff seconds. All in agreeemnt. Danielle is new secretary

We have 3 board of directors. Need to have new term time frames for positions. Would like treasurer to be 3 years.

Change bi-laws to treasurer, vp, secretary, treasurer, at large positions. 5 people on board. 3 year terms, staggered elections.

Brian, please let us know the position descriptions for the board member positions. Also, meet and greet committee and architectural committee.

Jeff makes motion to increase dues 10%. Vince seconds. All agree. Dues will be \$159 for 2014.

Enforcement. Property upkeep, trash, animal concerns. Corner houses are a mess. Do we hire an outside property company. Can put up outside cameras to help police the neighborhood.
Need to put together a newsletter/document to remind people of rules/reminders. People don't go on the website.

No minimum for bank accounts for HOA. Something in bi-laws that says we can't have over a certain amount in the bank acct. Can we put the overage into the 2nd account?

Brian will get back to us about Renter resolutions.

Will check in declaration or by-laws for it. There are communities that have a rental cap, but it is not something that we have. Not really enforceable. Lease addendum? As tenant, promise to abide, etc. Need to make owner responsible for what the renters are doing. Very hard to police.
Do we have a recourse if homeowners do not take care of upkeep, trash, animals? If you incur a cost, can include on assessment. Filing injunction, slow and costly. Entitled to get attorney fees back. More involved that a judgment. More successful of getting fees back in the end if/when go to court.

Need to include in newsletter that MUST include ANY exterior change on your property.

When bi law comes into contrast with the law, the law takes precedence. You can put reasonable restrictions uniformly applied.

Danielle motion to adjourn at 9:04. Vince seconds motion