

HOLIDAY ACRES PROPERTY OWNERS BOARD MEETING

May 15, 2015 at Doris Green's residence

President: Tom Haligan opened the meeting at 7:15 p.m. Board members present are Tom Haligan, Doris Green, and Cathy Justus. Guests are Gene Madden and Wayne Justus.

Secretaries Report: Doris/Tom moved to accept/approve as written. Motion passed

Treasurer's Report: Doris said the report was pretty much the same as last report. Discussion of format of Quick Books that Trish McNelly, bookkeeper, uses. There was a question of a possibility of more of a break down and comparison from year to year. Cathy/Tom seconded to accept/ approve. Motion passed.
No new bills.

ARC: Tom, in Larry's absence, presented plans that had been presented to the ARC for the Looper proposed stick built home at 188 Coyote. Review of plans. Cathy/Doris moved to accept/approved. There was a request to know the names of the people in the ARC and that maybe they would attend the Board meeting. There was also a request to the ARC to remove dead trees at 1825 Shenandoah, Paul and Amber Besney. Review. Doris/Cathy moved to accept and approve. Motion passed.

UNFINISHED BUSINESS:

****Hunting Ballot:** Trish sent the tally of 111 yes to have a restriction on hunting and 26 no to not have a restriction on hunting in Holiday Acres subdivision. The Board reviewed the related Legal Responses/Legal Opinions from Wendy Weigler, Atty. The first request from HAPOA was sent on Dec. 11, 2014 asking questions regarding property owners voting rights. Based on the information provided, Wendy Weigler's Opinion noted that an owner who is delinquent (in payment of their dues) does not have the right to vote at an Annual or Special meeting of the Association but they would have the right to vote on covenant amendments. The Bylaws did not specifically amend Paragraph 17 to allow only owners in good standing to vote on proposed amendments. The second request was sent March 19th 2015 asking about the applicability of the Colorado Revised Nonprofit Corporation Act in regards to the Covenant Amendment Ballot question. Weigler's opinions concluded that Colorado Revised Nonprofit Corporation Act applies. Her Opinion referenced a recent court ruling impacting the time frame allowed for member responses to written ballots. The Court of Appeals ruled that Nonprofit Associations must follow the time frame noted in the Colorado Revised Nonprofit Corporation Act (60-day time frame) to obtain the 67% (2/3) consent. Within the first 60 days HAPOA received a total of 99 votes, (81

yes votes for restriction of hunting and 18 no votes to not have a hunting restriction). Weigler gave a lengthy process to remedy this situation. DIRECT PROXY for Special Meeting of the ownership/members of Holiday Acres POA, which is good for 11 months. Doris made a motion that in light of obtaining new information regarding the applicability of Colorado Revised Nonprofit Corporation Act Section 7-127 107 and that we did not meet the 67% (2/3) within 60 days, that we bring the current Covenant Ballot to a close and bring this up at the Annual Meeting and see if we should continue pursuing this issue from those present at the meeting. Cathy seconded, motion passed.

****Multiple Lot assessment:** The question was asked from Weigler if multiple unimproved lots could have dues not assessed, her legal opinion was NO.

****Legal Retainer update:** Tom provided the Board with copies of Fee Schedules from both Weigler law firm and Hindman/Sanches law firm for review and discussion at a later date.

****Discussion of Hogue request for voting right on one parcel.** Tom thought they had sold one of the four parcels that they owned when legal action was taken to split those four parcels from HAPOA and that they had purchased another lot in Holiday Acres which they now wanted voting rights on. Discussion. Cathy will investigate if Hogues have sold a parcel and purchased another.

NEW BUSINESS:

****Larry Dick resignation:** The Board is down to 4 members now. Doris proposed the Board send a letter of thanks to Larry for all his years of service to HAPOA. Larry will still be head of the ARC.

****Website maintenance:** Larry will not continue to do this. Doris talked to Trish to see if she would be open to doing this since she does it for other subdivisions. Doris will find out which other subdivisions she does this for. Tom will call other subdivisions to see who does their websites.

****Replacement Board member:** Tom suggested that if the Board doesn't find a replacement that a letter be sent out asking for volunteers.

****HOA Management discussion:** We all think it is a good idea. We have spent way too many hours of our personal time with little help. If we can find a management company that will take some of the burden that would be great. We have to have records and documents available in a faster method than storing them in the Justus's barn as they have been for 20 years.

****No new owners.**

****Cathy will gather all Hunting ballot stuff and hold for 12 months.**

Doris/Tom moved to adjourn at 8:00 p.m.

Respectfully submitted,

Cathy Justus, Secretary