

## **Sunridge at Avon Phase 2 Board Meeting**

**Sun. Jan. 24, 2013 5:00 PM**

**Attendance: Steve Lay, Rich Barnes, Nick Antuna, Dennis Havlik, Jonathan Rosman, Emily Bee, Mark Luzar, Jeff Lineback, Christian Caslin**

**Read minutes from last Board meeting. Action: minutes approved**

**Welcome new Board Member , Mark Luzar, to Board.**

**Legal questions from Homeowner's meeting:**

**Attorney Christian Caslin educates Board members.**

- 1. Fiduciary responsibilities of Board Members.**
- 2. Obtaining learned opinions.**
- 3. The hierarchy of law is Federal , State, Local then the Condo Declaration, Bylaws and finally the Rules and Regulations.**
- 4. Mr. Caslin explains that motions at homeowner's meetings must be on the agenda of the meeting when the notice of the meeting is given. If Notice of a motion is not announced to all homeowners that motion is not a proper motion and may be ignored.**
- 5. A Document was distributed at meeting libeling the good name of Mr. Barnes, Mr. Antuna, and Mr. Lay was called by Mr. Caslin as to be " Patently untrue".**
- 6. Homeowner's Lists provided to homeowners should include only the name and unit numbers but not the mailing or electronic addresses.**
- 7. Dog DNA: Mr. Casling offered the opinion the association can register dogs on the property but we could not charge the homeowner to register their dog. To register and DNA test dogs and charge a fee or fine would require a change to the Rules and Regulations.**

**Motion to Hire Avon Property Management, Jeff Lineback , to manage the property. Motion approved 7-0.**

**Mr. Lineback discusses obtaining:**

- 1. Parking passes**
- 2. Computer**
- 3. Telephone line**
- 4. Redoing the web-site**
- 5. Creating a data base for association**
- 6. Do security and safety inspections of each unit after notification.**
- 7. Homeowners should provide keys to the management company**

**Board approves all these actions.**

**Newsletter: Jeff will work to get newsletter out as soon as possible.**

Discussion about CO and Smoke detectors: Should the board require CO detectors and should the association pay for the detectors. Action: Jeff will include in his survey of all the units as to how many units have smoke and CO detectors.

Discussion about Dogs: Should we register, and pay for DNA testing or not. The Board would have to change the Rules and Regulations. We also discussed the problem of Vicious Dogs. Mr. Caslin's opinion is that the dog is the property of the homeowner or guest and that the association has no liability. Action: Jeff will look into our dog problems and make recommendations.

Homeowner Christopher Hooe unit L-102 has made a request to be reimbursed for plumbing charges he incurred with a sewer problem. Motion is made to credit Mr. Hooe's account \$431.25. We also will inform Mr. Hooe that in the future he cannot expect to be reimbursed for any charges or bills he originates. Action: Mark Luzar will write Mr. Hooe a letter to inform him of the decision of the Board.

Homeowner Michelle Lake units F104 and G203 are requesting to remodel their units by replacing the windows and sliding glass doors. Motion is made to the board to approve the remodel. Motion passes unanimously. Action: Rich will notify Ms. Lake of the decision of the Board and will advise her to contact Jeff Lineback for direction as to what windows to get.

Adjourn: 7:30

***The following statement was inserted into the minutes and voted for approval: (see next page)***

Statement to minutes concerning Unit L-202 owned by Dijana Kozar.

The Board received in May of 2010 a letter from an attorney, Beth Ayres, saying she represented Dijana Kozar and that Miss Kozar had concerns about the Sunridge Property. After exchanging e-mails, Board Members Barnes and Havlik met with Miss Ayres and Miss Kozar on June 21<sup>st</sup> 2010 to discuss her concerns. The Board had no further contact with Miss Kozar or Miss Ayres in this matter.

The property manager received a letter on July the 11th dated July 8, 2011 demanding payment for legal fees that Miss Kozar had incurred the previous year totaling \$2,502.50. The property manager notified the Board. The Board members were notified by telephone and agreed to put the request on the agenda for the next Board Meeting. The next day July 12, 2011 Miss Kozar filed suit in the combined Eagle County Court alleging that the Association had not paid her for her attorney's fees and she also claimed that the Association owed her for loss of rent. The total of Miss Kozar's suit was \$6,150.50

The Board members were polled by phone and unanimously agreed to hire an attorney, Miss Kirsten Canada of Garfield and Hecht, to defend the association in this lawsuit. Miss Canada contacted Miss Kozar and informed her that she represented the Association. Miss Canada on behalf of the Association pointed out to Miss Kozar that according to the bill she sent the Association there were legal fees incurred for issues with the River Pines condos. Miss Canada pointed out that a judge may rule the Suit brought by Miss Kozar to be frivolous and that Miss Kozar then may have to pay all the legal fees incurred by the Association. Miss Canada, with guidance from the Board made the offer, that if Miss Kozar withdrew her claim and seek not further redress in this matter, the Board would write off the legal fees already incurred by the Association.

Miss Kozar withdrew her claim and lawsuit on July 25<sup>th</sup> 2012. The cost to the Association was \$1,976.44.