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Board:

My name is Edward Boyack, I am general counsel for Anthem Highlands. I also serve as litigation counsel for Anthem Highlands in a case entitled Collier v Anthem Highlands and other defendants Pennie Puhek, Terra West and Carmen Eassa.

I wanted to address the board today on particular issues that have come up and clarify the record and address some issues for the homeowners and for the board generally.

Recently, there was a website that has been put up and distributed or advertised to Anthem Highlands homeowners.

I've reviewed that website.

The website is specifically geared toward and addresses the litigation Collier v. Anthem. And while, I have instructed this board not to engage in any questions and answers, nor to talk to anyone about that litigation and as far as I know, the board has done a very good job at direction. I did want to address a particular issue publicly to clarify what I believe clearly the record indicates are misleading inappropriate statements that are contained on that website. So, I want to address those items briefly.

First off. The website states and insinuates that there is a risk of homeowners paying more money in assessments as a result of this litigation. That is, in my opinion, incredibly misleading. For numerous reasons, the least of which is the exposure in this case, which is a simple enforcement action. In other words, the damages are limited.

Second, it is defended by insurance. And insurance has plenty of coverage for the association generally. The idea that this could present excess exposure or exposure directly to the homeowners is completely unfounded and unwarranted.

Another concern, is the website contains references to pleadings or documents in the case. Problem is the website again being misleading doesn't provide all of the necessary pleadings and information. It only contains one sided, generally allegations and does not even contain all the pleadings, motions and filings of the association by myself or by counsel for co-counsel Mr. Derek Noack who represents Penny Puhek. Which in detail discuss the factual allegations and our response. It's of concern that the homeowners are not provided that information. It is public record and can be seen on the court website. And the fact that that information is not provided, I believe, is again misleading and inappropriate.



If a homeowner is interested, they should be able to review all of those pleadings and documents. And if they do so, they would find that the information is completely different than what is presented. And we are confident in the facts and information that's even contained in the documents with the court but that will be developed and are being developed in the course of the litigation.

Also, for the board to understand there has been a uniform and consistent evaluation of the exposure liability and damages in this case, not only by myself, but by my co-counsel Derek Noack. And the insurance company has been defending this case and is supportive of our analysis and ongoing efforts to defend the case based upon what we believe are a lack of merits and the lack of, that the case presents any liability to the association.

Fourth item, that I wanted to just quickly review is that the matter in the underlying case deals with enforcement that the board is at times obligated to engage in enforcement activities. And we do see around the valley that oftentimes people do not like when boards enforce CC&R provisions. And we see sometimes pushback, whether with the real estate division or with some other type of legal approach.

I only mentioned that in this case, the Collier matter is related to homeowner association enforcement and that of the CC&Rs, and that is the nature of the case generally.

I again have told the board and asked the board not to engage in any Q&A. I'm not here today because it would be inappropriate to get into any question and answer with homeowners.

However, I felt that as counsel for the association, this record needs to be made clear and that the misinformation, misleading information that's on this website be addressed publicly by myself so that the records clear and homeowners have an opportunity to determine for themselves.

With that, I don't really, don't think I need to take any questions, but if the board has anything further of me, please let me know.

Edward D. Boyack, Esq.