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August 22, 2024

Wilderness Park Estates Home Owners Association
Board of Directors

Via U.S. Certified Mail and Email

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RE: Wilderness Park Home Owners Association (the “HOA”)
Our File No. 206-24

Dear Directors:

Our office represents the following individuals who own property in Wilderness Park Estates or one of the additions thereto: Andrew David Musolf, Loralie Ann Musolf, Mark A. Ahrens a/k/a Mark Arthur Ahrens, Michelle Barlow a/k/a Michelle L. Barlow, Daniel Browen, Jeffrey A.

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Carbert, Andrew L. Carbert, Robert P. Jares, Kevin Johnson, Kim Johnson, Ronnie J. Kalkbrenner, Thomas Kirchner, Betty Kirchner, Becky Knowlen, Daniel Knowlen, Brandon Knowlen, Jeremy Linder, James L. Long, Rocco Maggiore, Linda S. Martins, Randy W. Martins, Roxanne S. Meyer, Donald C. Meyer, Daniel R. White a/k/a Daniel Richard White, Michaelle White a/k/a Michaelle E. White, Douglas Short, and Robyn Willette, Robert A. Anderson, Michael Bromenshenkel, Cindy Bromenshenkel, James Drews, Brenda Drews, William J. Driscoll, Becky Driscoll a/k/a Rebecca L. Driscoll, Patricia Gregory, Jay Hart, Mark Kirchner, Larry Marquardt, DuWayne LaVerne Mattson, Donald L. Morgan a/k/a Donald Lee Morgan Jr., Corey M. Meyer, Troy A. Meyer, Dennis Mueller, Jason Oldenburg, Lori Oldenburg, Jason Paul, Justin Paul, Jaclyn Paul, David Tabatt, Barbara Tabatt, Jason Wold, Anita Wold, Doug Pickartz and Debby Pickartz.

I am writing to inform you that my clients are not part of the HOA and will not be paying any further dues to the HOA, nor will they be participating in the HOA in any manner because they are not part of the HOA.

On September 29, 1975, Wilderness Park, Inc. (the "Developer"), a dissolved Minnesota Corporation, executed a Declaration of Covenants, Conditions and Restrictions (the "Declaration"), which Declaration was recorded on June 18, 1976 as Document No. 226109 in the office of the Cass County, Minnesota Register of Deeds.

Article II of the Declaration states that the real property subject to the provisions of the Declaration as of the date of the Declaration is defined in Section 1 of Exhibit A. Article II of the Declaration further states that the real property which may possibly be subject to the Declaration in the future is defined in Sections 2 and 3 of Exhibit A. Exhibit A is not attached to the recorded Declaration and was never recorded elsewhere. To the best of my clients' knowledge Exhibit A does not exist and therefore, my clients' respective properties are not identified in the Declaration.

Wilderness Park HOA was created by the Developer for the purposes set forth in the Declaration. Article I paragraph d. of the Declaration defines "Lot" as only those properties described in (the missing) Exhibit A. Article III of the Declaration states that only record owners of Lots, as that term is previously defined, shall be or are members of Wilderness Park HOA. Given that Exhibit A does not exist, there are no "Lots" subject to the Declaration and because there are no such "Lots" there are no such owners of Lots. Therefore, my clients' respective properties are not subject to the Declaration and my clients themselves are not members of Wilderness Park HOA. As my clients are not part of the HOA, please be further advised that the HOA has no authority to issue or record any liens against my clients' properties for alleged non-payment of dues. Should you consider taking any action against any of my clients for alleged non-payment of dues to the HOA, I would advise you to first familiarize yourself with *Paidar v. Hughes*, 615 N.W.2d 276 (Minn. 2000), which allows for recovery of attorneys' fees in actions based on slander of title.

Finally, there exist certain roads located within the Plat of Wilderness Park Estates and subsequent Additions thereto. Each of the Plats of Wilderness Park Estates and Additions One through Six dedicates the use of the roads contained in each plat for the use of the owners of the respective lots contained in each plat and for the use of the owners of any lands previously or subsequently

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developed by Developer or its assigns. The Plat of Wilderness Park Estates Seventh Addition dedicates the roads contained within the plat to the public for public use. The Plats of Wilderness Park Estates Eighth and Ninth Additions do not include any roads and are silent as to road dedication. As my clients are all owners of certain lots within the Plat of Wilderness Park Estates and/or Additions One through Nine thereto and are all members of the public, they are free to use the roads as defined within the Plat of Wilderness Park Estates and the Additions thereto.

Kind regards,



Zachary H. Johnson
For the Firm

ZHJ/jlg