

Lake HollyHills HOA Board Meeting 04/13/2026
Come to order at 6:10pm

Officers attending:

Brian O'Neill
Sarah Beltran
Helen Kirsch
David Piercey

Notable Members in attendance:

Nominees for May elections - Chad Tietje, Zulema Garcia
Members involved in legal cases - Ray Charles, Elmer Gutierrez

Preliminary Discussion:**

Mr. Gutierrez took the floor prior to the meeting to explain that the HOA is suing him for his trucks and that he has a lawyer to fight this; the same lawyer who represents Mr. Charles and who believes the HOA is not in compliance with Texas Code. He noted that there was to be a hearing earlier in the day and that the HOA lawyers did not show. O'Neill explained the reason for that is confidential, but that the hearing will be rescheduled in a couple weeks time.

Gutierrez complained that there is not sufficient notice for the Board meetings. O'Neill explained that the meetings have been every second Monday, and that this was communicated at the first meeting back in July, in the first newsletter, and on the website. He also cautioned that, although the Board meetings are open to all, confidential matters involving particular homeowners need to be discussed in Executive Session.

Gutierrez began accusing a Board member of allowing illegal activities on their property - the President cut him off and demanded to be allowed to continue with the meeting agenda.

Old Business:

- Report on legal situation (1) - Raymond Charles et al v. Lake Hollyhill HOA et al.
O'Neill explained, for the benefit of the Nominees present, that HOA Board Members O'Neill and Piercey were served a week prior with a lawsuit targeting the HOA itself and selected current and former Board Members. The lawsuit was brought by Mr. Charles and Mr. Gutierrez as well as others who were not present at the meeting. This lawsuit alleges that the HOA is a legal non-entity that has been and is now conducting itself improperly under Texas law, that is, the Bylaws are invalid. O'Neill explained that the Board must act under the assumption that the Bylaws are in effect, as supported by the legal opinion provided last year by the HOA lawyer, and by Board communications with the Secretary of State of Texas. This dispute could take up to several years to move through the court, in the meantime, the Board intends to continue to move forward.
- Report on legal situation (2) - Lake Hollyhill HOA v. Elmer Gutierrez
O'Neill explained further that the HOA is taking Mr. Gutierrez to court to enforce that first foundational deed restriction that sets up the neighborhood as residential use only. He contends that it is clear that Mr. Gutierrez is making commercial use of his property. Gutierrez again denied this is the case - O'Neill cut off further discussion by saying the

hearing was held in December, transcripts/audio are available if anyone wants them, and this will be worked out in court.

New Business:

Item 1: Election Mailout - Vote

- The Election mailout was displayed by the President - a cover letter with Voter ID, voting instructions, nominee bios, and a ballot return envelope with Voter ID printed. Nominees were given the opportunity to look at the mailout and ask about the voting system (described on the website and elsewhere). A metal drop-box for collecting ballots at the pavilion was also available for the Board to look at. The Board members in attendance voted unanimously to accept the mailout and voting procedure.

Discussion:

It was explained that votes would be counted at the meeting and results announced, but that swearing in would happen in June, as outlined by the Bylaws, and that the current Board would have to certify the result. Per the Bylaws, those who were determined to be in conflict of interest/unwilling to uphold the Bylaws (not current on their dues) would not be allowed to hold office. Mr. Charles claimed that this is against Texas code, but O'Neill responded that Texas code says only that all Members can *run* for office, not that all Members are eligible to *hold* office. Charles objected that this is a poor interpretation of the law. O'Neill pointed out that this would be part of the court case. The Board expects these reasonable restrictions on officeholders will be upheld. The issue then became whether there was any way to alter/abolish the HOA if only supporters could be on the Board - O'Neill pointed out that anyone can petition for a formal vote on an amendment to the Bylaws, and, if passed by a majority of voting members, dissolve or diminish the HOA. Charles argued that, if the HOA is already a non-entity, that should not be necessary, but if the court sides with the Board on that question, he would work on a petition. To which O'Neill pointed out (again) that HOA legal counsel told the Board it is valid, and until such time as it is determined otherwise, we have no choice but to continue acting on that advice.

Concluding Discussion:** Further discussion occurred, centering again on the lawsuit against Mr. Gutierrez. Charles accused the Board of threatening people's homes and property. O'Neill argued that 1) the Board is not going to foreclose for dues debt; 2) Gutierrez is the most visible commercial use in the neighborhood, using well over the 10% threshold agreed to by the Board; 3) if he is allowed to continue, the residential use deed restriction will become unenforceable, meaning anyone could move in here and use the land for any purpose. Charles and Gutierrez dismissed that as being a real concern. Board members pointed out that many people bought in here precisely because they wanted the protections of deed restrictions.

Meeting Adjourned: 6:47pm

** These conversations were largely outside the scope of the meeting but we attempt to summarize them here for completeness. Not all topics discussed are included here. A full audio of the meeting is available to LHOA Members upon request.