

**Report to the
Cypress Creek Property Owners' Association's
Board of Directors
from the Ad-hoc Options Committee
November 21, 2019**

This is the November, 2019 report of the Cypress Creek Property Owners' Associations' Board of Director's appointed Ad-hoc Options Committee, Chaired by Board Member, Kelly Chiarella. Committee Members include Mikel Kline. Under direction from the Board of Directors, this Committee continues to work on behalf of the neighborhood.

Here are highlights of much of our activities since our last report:

On October 15, 2019, there was a hearing on the lawsuit that Plaintiffs filed against the golf course owners. The hearing was for the Judge to decide whether to dismiss the case based on three points.

1. The golf course owners claimed that there was no contract with the Plaintiffs specifying that they were entitled to an Equitable Servitude.
2. The golf course owners had no prior knowledge of the encumbrances the Plaintiffs are claiming on the property.
3. There are indispensable parties not included in the lawsuit, specifically the CCPOA.

Based on these three objections raised by the golf course owners, the Judge agreed to a partial dismissal only because of the third claim of indispensable parties. The Plaintiffs were told that if the CCPOA was not added as an indispensable party, the case could be dismissed based not on the merits but on the lack of a required party.

To comply with the Judge's order, the Plaintiffs' only option to have the merits of the case reviewed by the Court was to make the CCPOA a participant in the case. On October 25, 2019, one day after the October Board Meeting, the Plaintiffs' attorney filed to make the CCPOA a Defendant in the case as potentially the least financially impactful way to enter them as a party. The Judge decided that the CCPOA would be impacted and bound by her final decision and must be addressed at the same time. Out of fairness to True Shot, she did not want the CCPOA to have the opportunity to sue on the same grounds once this existing case was resolved. True Shot has responded to the Plaintiffs' Amended Complaint that named the CCPOA as a Defendant by now claiming that all the Non-Members residing in the neighborhood are indispensable parties and must now be included in the case as well. Once further information is available on the Court website, the Ad-Hoc committee will report on it.

We have no further information on the YMCA to share at this time.

There is a Q & A attached to this report that addresses several questions residents may have on this issue. As always, the offer to sit down and discuss this in detail has been presented and is still open.