

POINTE MARIN ASSOCIATION

MEMBER NEWSLETTER

Expired Directors | Unreasonable Enforcement

The PMA Board's Unreasonable Enforcement Actions

Documents at the Marin Recorder's Office show that during the COVID-19 Pandemic, the PMA Board, which consisted of Pat Eklund and Michael Christian at the time, recorded six Liens for assessment debts owed of less than \$400. For example, one of the debts was for only \$207. And when the Board recorded the Liens, each set of Members at issue owed an additional \$1,100 in "trustee fees, costs, and

The PMA Has Two EXPIRED Directors!

The Davis-Stirling Act requires the PMA to hold elections when its Director terms expire, and the PMA Bylaws specify maximum Director terms of 2 years. The terms for Directors Pat Eklund and Michael Christian expired in May 2023 because they had been elected on May 13, 2021. But after May 2023, the PMA Board failed to take corrective action. On July 7, 2023, 19 PMA Members submitted a "Member Petition" to force the PMA Board to take corrective action.

The Member Petition requested an election to fill all five Director positions, with staggered terms, because the two Director positions expired in May 2023, and the PMA Board failed to hold an election for three Directors in 2022. But ever since July 7, the PMA Board has refused to comply with the Member Petition. In August 2023, the PMA Board also refused to participate in a request for mediation to discuss the Member Petition. As a result, on December 22, 2023, PMA Member

Unreasonable Enforcement Actions (continued)

expenses" (which were paid to a company called "Allied Trustee Services"). Although the PMA Board is allowed to record Liens for "any amount" of debt owed - it was unreasonable for the PMA Board to record Liens for debts of less than \$400. And it was particularly unreasonable for the Board to do so during the COVID-19 Pandemic. Furthermore, there was one set of members that the PMA Board filed not one - but two Liens against!

To view redacted copies of the six PMA Liens that show the amounts owed and the "trustee fee" amounts, visit www.pointemarinassociation.com/hoa_docs.

EXPIRED Directors (continued)

Catherine Rucker filed a lawsuit in the Marin Superior Court. The lawsuit is to force the PMA Board to carry out an election for all five Director positions, with staggered terms. On January 2, 2024, the PMA Board received the court documents.

In addition, the PMA Board repeatedly claims that it has been "unable" to hold elections since 2021 - due to the lawsuit that challenged the election rules. However, that lawsuit was filed on January 7, 2021 - and the election for two Director positions and to amend the Bylaws ended on May 13, 2021. So why is the PMA Board making false claims?

To view the December 22, 2023, "Complaint" and "Declaration" (about what has happened), please visit www.pointemarinassociation.com/lawsuit. In addition, copies of the documents that show that the terms for Pat Eklund and Michael Christian

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