

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
41st JUDICIAL DISTRICT

L. FREDERICK FRANCIS and	§	
GINGER FRANCIS,	§	
 <i>Plaintiffs,</i>	§	
 V.	§	
 SIERRA CREST HOMEOWNERS	§	Cause No. 2024 DCV4431
ASSOCIATION, INC.,	§	
 <i>Defendant.</i>	§	

PLAINTIFFS’ MOTION TO APPOINT RECEIVER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, L. FREDERICK FRANCIS and GINGER FRANCIS, Plaintiffs in the above entitled and numbered cause and file this, their Motion to Appoint Receiver, and would respectfully show the Court as follows:

I.
Factual Background

- 1. On February 2, 2023, Plaintiffs and Defendant entered into an unimproved property contract whereby Defendant agreed to sell Common Space “H” and Lots 28 and 29, Block 1, Sierra Crest Replat “C” and a portion of Common Open Space “A”, Sierra Crest Subdivision (4.7095 acres) for the purchase price of \$11,222.00 (the “Property”).
- 2. The sale of the Property to Plaintiffs was approved by the Board of Directors of the Sierra Crest Homeowners Association (the “HOA”) at its February 23, 2022 meeting. *See Exhibit 1 attached hereto.*
- 3. The Board of Directors of the HOA further voted on and approved the sale of the Property to Plaintiffs at is March 23, 2023 annual Board Meeting. *See Exhibit 2 attached hereto.*
- 4. The Addendum to the February 2, 2023 contract states, in part, that Buyer (now Plaintiffs) will construct a security fence within one (1) year of the closing date.

5. At the time that the sale of the Property to Plaintiffs was approved, the members of the Board of Directors of the HOA were: President Anthony Castañeras, Vice President Lillian Crouch, Treasurer Joshua Ladd, Secretary Adrian Garcia, Member John Gates, Member Jesus Carrillo and Member John Scott.

6. The Board of Directors of the HOA for the 2024-2025 term was comprised of the following individuals: President Shemuwel Baruwk, Treasurer Alex Barron, Vice President Adrian Garcia, Secretary John Gates, Member Jorge Sanchez, Member Ruth Ojeda and Member Margarita Villalobos. This new Board of Directors immediately began a campaign to harass Plaintiffs and to prevent them from realizing the benefit of their bargain.

7. Defendant has unfairly and, in violation of the HOA rules, prevented Plaintiffs from installing the security fence that the parties agreed would be constructed in order to protect the subdivision from unwanted intrusions.

8. The position taken by the Board of Directors of the HOA is without merit. While arguing that the prior Board of Directors did not have the authority to Sell the Property for the contracted price, it ignored the fact that prior Boards, without objection, has sold other undeveloped property for less than full lot prices.

9. Plaintiffs also purchased additional property outside the border of the subdivision (the “Additional Property”), which Additional Property was necessary for the purpose of installing the security fence. Plaintiffs have also incurred the expense of preparing the Property and the Additional Property for the construction of the security fence and installed the poles needed to hold the security fence.

10. Plaintiffs wanted to purchase the Property to build a fence because of a history of intrusions on their Property by individuals climbing the mountain. In fact, at the January 26, 2023 Board Meeting, the members discussed security improvements to prevent trespassing at the southern end of the HOA property. *See Exhibit 3 attached hereto.*

11. In addition, at the December 14, 2024 Annual Meeting of the HOA, the Board at that time proposed the purchase of security cameras because of the history of intrusions into the subdivision. *See Exhibit 4 attached hereto.* That is the only item contained in the ballot that Mr. Barron announced passed but it was later discovered failed. *See Exhibit 5 attached hereto.*

12. Alex Barron, without further Board approval or authority, purchased the security cameras.

13. L. Frederick Francis then met with Shemuwel Baruwk, the HOA president regarding the security fence. Mr. Baruwk recommended that Plaintiffs file an application for the security fence with the HOA Architectural Control Committee (ACC).

14. On May 13, 2024, Plaintiffs submitted an application with the ACC for the construction of the chain link security fence.

15. The HOA's Declaration of Covenants, Conditions and Restrictions dated September 12, 2023, state in part:

C-10 SIGNS. BILL BOARDS. AND MISCELLANEOUS PROVISIONS. No drilling or excavation for oil, gas, water, sand, clay, dirt, coal, gravel, or any other mineral shall be made on the said property, whether for profit or otherwise. No signboard, bill board, poster board or advertising of any kind may be placed on any part of any Lot. No "for sale" or "for rent" or other similar sign shall be placed on any Lot; except, with prior approval of the Architectural Control Committee, one sign, not to exceed 36 inches by 24 inches may be placed on any Lot. No hog pen, stockyard or pen or chicken pen will be allowed, whether operated for profit or otherwise. No fence, wall or hedge, nor any pergola or other detached structure for ornamental purposes shall be erected, grown, or maintained on any part of any Lot unless the prior approval of the Architectural Control Committee has been obtained. All fences and retaining walls must be suitable in design, material and structure and are to be approved in writing by the Architectural Control Committee prior to the construction of such fences and retaining walls. No clotheslines, barbed wire or chain link fences shall be permitted. No radio, television towers or aerial wire shall be maintained over any part of any Lot not occupied by a structure, and all such towers or wires must be approved in writing by the Architectural Control Committee prior to the creation or construction thereof. Landscaping shall be completed and maintained so as not to interfere with the scenic view of other Lot Owners.

16. Section D of the 2023 Declarations deals with the Architectural Control Committee.

Section D-2 states:

D-2 PROCEDURE. The Committee's approval or disapproval as required in these covenants shall be in writing, and in the event the Committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in the event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

17. Neither the ACC nor the HOA Board of Directors took any action on Plaintiffs' application to build the security fence contemplated by the purchase contract entered into between the parties, which means that the application was never approved.

18. The refusal to consent to the construction of security fence previously agreed to by the parties led to the filing of this litigation.

19. The refusal to approve the construction of any fence is particularly disturbing since the HOA member have historically constructed chain link fences without objection – specifically, the properties located at 16 Bronze Crest, 14 Bronze Crest, and 18 Silver Crest.

20. In addition, Alex Barron, the Board President has recently installed a welded wire fence around his property. This is the same type of fence that Defendant has refused to allow Plaintiffs to install around their Property. Mr. Barron did not obtain either ACC or Board approval for the installation of his security fence.

21. While Mr. Barron's property is visible from the rest of the subdivision, Plaintiffs' proposed fence would be installed far outside the level portion of the subdivision and not visible from the existing houses.

22. In addition, pursuant to the HOA Bylaws, the HOA is required to conduct an annual meeting in the fourth quarter of every calendar year but no later December 15, 2024. At the annual meeting there shall be an election of the Board of Directors, a vote to approve the budget for the

next calendar. Further, the owners may transact such business of the HOA as may properly come before them.

Section 2. Annual Meetings. The Annual Meeting of the Association shall be held in El Paso, Texas. The Annual Meeting of the Association shall be scheduled in the fourth quarter of the calendar year, but no later than December 15 of each year.

At such meetings, there shall be:

- 1) An election of the Board of Directors, selected by a ballot of the Owners, in accordance with requirements of Article VI of these By-Laws.
- 2) A vote to approve the annual budget for the next calendar year.

The owners may also transact such other business of the Association as may properly come before them.

23. Any Annual Meeting must comply with the Bylaws of the HOA to include Section 5, Voting, which states:

Section 5. Voting. (Amended February 25, 2014.) At the annual meeting or any special meeting of Members, voting shall be on a Lot basis. Owners shall be entitled to one (1) vote for each Lot, except that Owners of two adjoining Lots who qualify for a single assessment and have been granted such exemption shall be entitled to only one vote for those two Lots. There shall be no cumulative voting. All voting, in person or by proxy, mail, facsimile, or other approved means shall be signed as required by state law; this is required to ensure the validity of all votes. The Board of Directors shall specify procedures to preserve the confidentiality of voting. Voting may be by electronic ballot if the Board of Directors establishes a system to do so. Email votes, or votes recorded on a web-based voting or survey

24. On December 14, 2024, the Annual Meeting of the HOA (hereinafter “Annual Meeting”) was held at which time there was an election of the Board of Directors; the budget of the HOA; and other matters. At the Annual Meeting, the votes were tallied and some members of the sitting Board lost seats.

25. Thereafter, Alex Barron and certain members that were still on the Board of Directors as of the date of the Annual Meeting unilaterally decided that they were not satisfied with the results of the election and retained the accounting firm of Lauterbach, Borschow & Company, P.C. (hereinafter “Lauterbach”) to perform a “recount” and advised the owners of same in an email dated December 23, 2024. The email stated:

Date: December 23, 2024 at 14:55:05 MST

To: Anthony Castanares <anthonyc521@gmail.com>, Jesus Carrillo

<engineer_carrillo_jesus@yahoo.com>, Joshua Ladd <joshua.ladd10@gmail.com>, ljean-pierre@hotmail.com

Cc: Shemuwel Baruwk <bksamuel01@gmail.com>, John Gates <johndgates@gmail.com>, Jorge Sanchez <jorge@ptaincusa.com>, mague5258 <mague5258@hotmail.com>, Adrian Garcia <vantagenew@outlook.com>, ruth ojeda <ruthojeda01@yahoo.com>, Gregory Cagle <gregory.cagle@caglepugh.com>

Subject: Preliminary Recount Results

Anthony, Jesus, Josh and Leslie,

Please find attached the preliminary results from the recount. This shows that the initial ballot counts were off by a significant margin as we had discussed. This also shows that 10 of the ballot measures passed and 2 are borderline (within 1-2 points) of potentially passing. Lastly, this shows that a handful of ballots had missing pages. Because these imply up to 7 votes it could swing the results of the Board members either way. So Greg Cagle's request to the audit firm was to conduct a follow up recount to include those missing pages especially if they attended the meeting. But unfortunately the recount firm is closed for the holidays so they won't be available to determine the final results until after January 6, 2024. We will make a similar announcement to the members in the meantime. So enjoy your holidays and we will determine the conclusion of this recount in early 2025.

Best regards,

Alex

26. The recount was being conducted by the Lauterbach accounting firm at the request of the certain members of the current Board but, apparently without a validly called meeting of either the prior or newly elected Board of Directors. Conveniently, the initial recount findings were contrary to most, if not all, of the actual voting results from the Annual Meeting.

27. Further, the recount was clearly requested by Alex Barron and a faction of certain members of the then existing Board members without any knowledge or participation of the remaining owners who voted. This recount was initiated because a faction of the current Board of Directors was not satisfied with the results of the election on all matters voted on at the Annual Meeting.

28. A faction of members of the then existing Board of Directors, unilaterally and arbitrarily ordered a recount performed by a third party without any valid grounds in violation of Texas law and the Bylaws of the HOA. Plaintiffs are under information and belief that a faction

of the existing Board provided the documents to include ballots to Lauterbach that were not existing as of the date of the Annual Meeting and as such should not be considered.

29. Plaintiffs participated in the Annual Meeting which was conducted properly. Plaintiffs contended there was no reason for the recount.

30. As a result of the above, on January 2, 2025, the Plaintiffs in this matter filed their Original Petition for Breach of Contract and to Enjoin Taking Action Contrary to Voting Results from Annual Meeting of December 14, 2024 and to Set Aside any Election Contrary to Annual Meeting of December 14, 2024 under Cause No. 2025DCV0016 in the 41st Judicial District Court of El Paso County, Texas, transferred from the 205th District Court (the “Ballot Dispute Lawsuit”).

31. On January 2, 2025, this Court in the Ballot Dispute Lawsuit entered a Temporary Restraining Order against Defendant, Sierra Crest Homeowners Association, Inc. A Texas Corporation its owners, officers, directors, attorneys, agents, representatives and employees are hereby *enjoined and restrained* as follows:

- a. From directly or indirectly conducting, proceeding with or attempting to conduct or proceed with any recount of the original voting results from the December 14, 2024, Annual Meeting of the Sierra Crest Homeowner’s Association;
- b. Proceeding, conducting or attempting to certify and enforce the results of any recount of the original voting results from the December 14, 2024, Annual Meeting of the Sierra Crest Homeowner’s Association;
- c. Proceeding or attempting to proceed with any actions contrary to the original voting results from the December 14, 2024 Annual Meeting of the Sierra Crest Homeowner’s Association; and
- d. Proceeding with any actions contrary to the voting results from the election held at the December 14, 2024, Annual Meeting of the Sierra Crest Homeowner’s Association

32. On January 29, 2025, this Court heard an entire day of testimony and entered evidence as to why the proposed recount should not be permitted. Plaintiff references said testimony and requests that the Court take judicial notice of the record and file from the Ballot Dispute Lawsuit in this case.

33. On or about March 6, 2025, the HOA filed a Counter-Petition in the Ballot Dispute Lawsuit requesting the Court void the election results from the annual meeting of December 14, 2024.

34. Thereafter, on April 15, 2025 this Court in the Ballot Dispute Lawsuit entered a Partial Judgment wherein the Court granted a permanent injunction which prohibited the HOA from proceeding with the recount. *See Partial Judgment filed in the Ballot Dispute Lawsuit.*

35. Prior to the December 14, 2024 Annual Meeting, the HOA Board of Directors was comprised of the following individuals: Shemuwel Baruwk, Alex Barron, Adrian Garcia, John Gates, Jorge Sanchez, Ruth Ojeda and Margarita Villalobos. The three members not up for reelection were Shemuwel Baruwk, John Gates and Margarita Villalobos.

36. After the December 14, 2024 Annual Meeting, the members of the HOA Board of Directors was comprised of the following: Shemuwel Baruwk, Alex Barron, John Gates, Jorge Sanchez, Jesus Carrillo, Anthony Castaneras and Margarita Villalobos.

37. The new and valid Board members never met to vote for or ever voted to authorize the filing of the Counter-Petition.

38. The evidence in the Ballot Dispute Lawsuit clearly shows that the management of the HOA is in complete disarray and is being operated in violation of the HOA Bylaws and Covenants.

II.

Procedural Background

39. On November 24, 2024, Plaintiffs sued Defendant seeking a declaration regarding Plaintiffs' right to install a chain link security fence on their property and injunctive relief to prevent the Defendant from interfering with Plaintiffs' construction of the chain link security fence.

40. On January 31, 2025, the Board of Directors of the HOA held a meeting in which it was clear that there is an insurmountable dispute between the Board members. *See Exhibit 6 attached hereto.*

41. In response, counsel for Defendant Sierra Crest Homeowners Association, Inc. (hereinafter the “HOA”) filed a Counter-Petition purporting to represent the HOA in that Counter-Petition in which the HOA claims that, for technical reasons, the deed that it gave to Plaintiffs was not valid. The Counter-Petition was filed on February 28, 2025. However, on that date, as described above, the HOA had no Board of Directors that had the authority to approve the filing of the Counter-Petition. As a result, Defendant’s counsel has never been authorized to initiate a lawsuit (Counter-Petition) as required by Rule 12 of the Texas Rules of Civil Procedure.

42. On February 4, 2025 the Board of Directors conducted a meeting to approve Counter-Petition after the fact.

43. On April 1, 2025, Plaintiffs filed their Motion to Show Authority.

44. On April 28, 2025, a hearing was held on Plaintiffs’ Motion to Show Authority.

45. On May 6, 2025, an Order Granting Plaintiffs’ Motion to Show Authority was entered which dismissed Defendant’s counter-petition filed on February 28, 2025. Clearly, the HOA was taking action without complying with the HOA Covenants and Bylaws.

46. Despite the Court’s ruling, the same four members of the Board of Directors of the HOA that bilaterally authorized the filing of the Counter-petition had a Zoom meeting without notifying the following Board members: John Gates, Jesus Carrillo, Anthony Casteneda.

47. The three became aware of the meeting and attended the same.

48. On May 13 at 1:00 PM, a special board meeting was held in which the board voted (4 in favor and 3 against) to authorize the HOA attorney to file a counterclaim to invalidate the results of the December 14 general meeting. In another split vote (4 in favor, 3 against), the board voted to

pursue an effort to void the sale of upon which the security fence is being built. The minutes of that meeting have not yet been submitted for board approval.

49. Since the contested December election, the Board only sets board meetings in order to continue and exacerbate the litigation with Plaintiffs.

50. Further, Alex Barron, the secretary of the HOA, without authority, has appointed two additional members to the ACC in order to prevent Plaintiffs from ever obtaining consent for the construction of their security fence.

51. In addition, Alex Barron has repeatedly ignored the HOA, Covenants, Bylaws and Rules and Regulations when it benefits him. In addition to installing a welded wire fence on his property, without even seeking ACC or Board approval, he has, for his own security, purchased a security camera system. Again, Plaintiffs dispute that the security camera system was approved at the December 14, 2025 Annual Meeting.

III. Request for Appointment of Receiver

52. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.

53. The appointment of a receiver sought by this motion is necessary to permit the HOA to have an individual who could handle the business of the HOA and comply with the Rules and Regulations of the HOA instead of pursuing a personal agenda.

54. Plaintiffs' request that the Court appoint a receiver in order to take over the management of the HOA.

55. There is imminent danger to the HOA, including the taking of actions by the Board without complying with the Rules and Regulations of the HOA.

56. A receiver may be appointed, in the Court's discretion, for any one of the foregoing reasons. *Id.* A receiver may also be appointed upon any recognized ground of equity. *See Pouya v. Zapa Interests, Inc., 2007 WL 2462001 (Tex. App.-Austin Aug. 31, 2007).* Equitable grounds include

the combination of controversies as to improper management of the entity. *Id.* All of those are present here.

57. As a result of the foregoing, Plaintiffs bring this action for the purpose of having a receiver appointed for the operation of Defendant Sierra Crest Homeowners Association, Inc. in order to manage the HOA for the benefit of all homeowners.

58. Plaintiff proposes that any receiver appointed by the Court act on behalf of the HOA and be authorized and empowered as follows:

- a. to manage the Sierra Crest HOA to include collection of dues, taking over all bank accounts and financial accounts of Sierra Crest HOA, wherever situated or maintained, and manage the business concerns, interests, assets, real estate, claims, and defenses as appropriate, and
- b. preparation of proper procedures for conducting meetings of the Sierra Crest HOA to include annual meetings which shall include collection of all ballots, counting ballots, tabulation of ballots, retention of ballots after tabulation and submission of same for approval by the members of the Sierra Crest HOA;
- c. noticing and conducting any new election of the Sierra Crest HOA which shall include approval of the budget and dues of the Sierra Crest HOA and election of any board of directors;
- d. in doing so, the Receiver may perform those acts determined by the Receiver to be necessary or appropriate, and the Receiver may engage others, including but not limited to accountants and lawyers, as the Receiver determines to be necessary or appropriate, to do so;
- e. the Receiver is to report to the Court, by filing in this action, on a monthly basis beginning on August 31, 2025, a report that includes the income of Sierra Crest

HOA for each month, the expenses of Sierra Crest HOA for each month , any requests for the approval of the transfer or sale of assets of Sierra Crest HOA, and any other activities of the Sierra Crest HOA. Such reports shall be filed no later than 10 days after the end of each month;

- f. the Receiver shall not, without prior written approval from the Court, take any action involving the transfer or sale of real property owned by Sierra Crest HOA;
- g. that within seven days from the date of any request from the Receiver, any party to this action to whom such request is directed shall turn over to the Receiver, assets, records, accounts, or information in their possession, custody, or control Sierra Crest HOA as requested by the Receiver;
- h. that the parties to this action may only communicate with the Receiver in writing, including by email, directed to counsel selected by the Receiver, with copies of the communication transmitted at the same time to counsel for all the parties in this action;
- i. that the Receiver establishes proper policies and procedures for all future elections and conducts the annual meeting in December, 2025 in accordance with same;
- j. that the Receiver shall not be required to post a bond;
- k. that the Receiver shall comply with all laws applicable to the management and operation of Sierra Crest HOA and its assets as provided under any laws of the United States, the State of Texas; and
- l. that, (i) without limiting any other rights or immunities the Receiver may have at law or in equity, the Receiver and its employees, agents, and attorneys shall have no liability for acts or omissions made by or on behalf of the Receiver in its capacity as the Receiver of Sierra Crest HOA, so long as such acts and omissions are made

in good faith, without gross negligence or willful misconduct, and in a manner that the Receiver reasonably believes is in the best interests of Sierra Crest HOA, (ii) no action shall be brought against the Receiver or its employees, agents or attorneys relating to the performance of its duties under this Order unless such action shall be permitted by the Court after motion and consideration therefor, (iii) the Receiver is acting solely in its capacity as a receiver and the debts and obligations incurred by the Receiver acting as Receiver are solely the debts and obligations of Sierra Crest HOA, and (iv) except as set forth above, in no event shall the Receiver personally have any liability or obligation for the debts or obligations of Sierra Crest HOA.

59. Plaintiffs submit that the Court appoint a qualified receiver who has considerable experience in receivership appointments, or some other person that the Court deems qualified, should be appointed receiver of the assets of the Defendant Sierra Crest Homeowners Association, Inc. with such powers as are provided by laws of general applicability relating to receivers, and such other powers deemed appropriate by the Court to accomplish those areas set forth in paragraph 58 herein.

PRAYER

60. For these reasons, Plaintiffs ask the Court to set this motion for hearing and after the hearing, grant this motion and enter an order appointing a qualified receiver who has considerable experience in receivership appointments, as receiver for Defendant Sierra Crest Homeowners Association, Inc., for the purpose of rehabilitating Defendant Sierra Crest Homeowners Association, Inc. including but not limited to directing their involvement in this lawsuit. Request is hereby made that the rehabilitative receiver have the authority to take control of the assets of Sierra Crest Homeowners Association, Inc., carrying out the operation and business of Sierra Crest Homeowners

Association, Inc. according to the law and their operating agreements (if any), paying the fees and expenses of Sierra Crest Homeowners Association, Inc. as appropriate, directing their counsel with respect to their involvement in this lawsuit, and returning control at the appropriate time and upon further order of this Court to Sierra Crest Homeowners Association, Inc.

DATED this 3rd day of June 2025.

Respectfully submitted,

GORDON DAVIS JOHNSON & SHANE P.C.

4695 N. Mesa Street
El Paso, Texas 79912
(915) 545-1133
(915) 545-4433 (Fax)



By: _____

John M. Dickey
State Bar No. 00783963
Harrel L. Davis III
State Bar No. 05567560
jdickey@eplawyers.com
hdavis@eplawyers.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Civil Procedure, I hereby certify that on the **3rd day of June 2025**, the foregoing document was electronically filed with the clerk of the court and a true and correct copy was electronically served on the parties/attorneys identified with the Court for electronic service in this case through the e-filing system:

Kirstie M. Simmerman
James M. Greer
Gordon Rees Scully Mansukhani, LLP
2200 Ross Avenue, Suite 3700
Dallas, Texas 75201
ksimmerman@grsm.com
jgreer@grsm.com

A handwritten signature in black ink, appearing to read "John M. Dickey", written over a horizontal line.

John M. Dickey

REVISION of the FEBRUARY, 23rd BOARD MEMBER MINUTES.

SIERRA CREST HOME OWNERS ASSOCIATION

BOARD MEETING

Feb 23rd, 2022, Thursday, 7:00pm

Remote Meeting via Google Meet

In attendance are the following board members: President Anthony Castañares, Vice President Lillian crouch, Treasurer Joshua Ladd, Secretary Adrian Garcia, Board member John Gates, Jesus Carrillo, and John Scott. Other members, Larry Price, Alex Barron, Priscilla Reyes, Rick Francis, Shelina Martin, Matt Lyon, Samuel Faith, Cory Shirk.

19:10 President Anthony Castañares calls unto order the board meeting.

Agenda Items:

1). Review & approve previous minutes

— Motion to approve minutes seconded by Jesus Carrillo and approved by all members.

2.) Common Open Space Land Sale to two members:

Case #1.)

- Board approves sale of 4.7 acres of land to Rick Francis for \$11,222 which is CAD value (subject to building of a fence). Mr. Francis wishes to build a fence line along where the telephone poles are, around his property. Vote: (6 Yay—1 Abstain.)

- Mr. Francis proposes a Conservation Easement so no dwellings will be built there.

~~— Board members oppose a transparent land appraisal mentioning taxation.~~

- Mr. Francis will replat the subdivision lots.

- Committee composed of Jesus Carrillo, John Scott, and Mr. Castañares determined the value of common open space.

- Jesus Carrillo states this common land doesn't add value to the community, they are unusable lots.

~~— Proposal to involve all members of the community rejected by board.~~

- Mr. Rick Francis says this is a decision the board can make on its own.
- No lots were specified in this meeting, nor the beginning of the fence construction.

Case #2.)

- Samuel Faith wants to rectify his lot lines because some of his property is built on common land. Was this way at the time of purchasing his land.
- Price to sell will be taken at CAD value.
- Jesus Carrillo mentions this sale of land is a bit more complicated for a number of reasons which should be looked into because there is an adjacent property and unlike the previous land sale, this property had already been developed.
- Some members of the board will get together on Sunday offline to move forward.

3.) Security Guard Station updates.

~~— A guard was replaced, Securitas has been very proactive in order to work a resolution on any issues with their guards or replace them.~~

4.) Landscape Update: No updates.

5.) Treasury Update:

Doing better on the budget.

HOA has about \$35,000 on past dues assessments, \$13,000 on late and legal fees.

One homeowner has made a large payment of about \$14,000 dollars.

Annual meeting at the Hilton Hotel.

A budget for Podium & Room at \$641.13 was voted yes by all board members.

An extra \$100 approved by the board 7-0 for snacks and crackers.

6.) ACC Update:

51 Sierra Crest home owner had requested to paint a section of their house dark blue, request by the ACC was denied. Association member proceeded to paint anyway. Attention brought to the board. Board proposes to draft a letter to inform him that the board has been made aware of the ACC's decision.

7.) New Business:

~~A letter with 11 proposals was presented to the board by Mr. Adrian Garcia on behalf of 37 home and lot owners. The intention of the letter was to address the potential insolvency that Sierra Crest is facing with those 11 proposals. A motion was made to present the letter to the rest of the general membership in order to vote on these proposals. The board rejected sharing the letter to the rest of the community for a general vote. With nothing being heard, the motion did not pass.~~

Meeting concluded at 9:35 pm

Minutes prepared by the Secretary, Adrian I. Garcia

Amended on March 9th, 2023, 7:30 pm at board member meeting.

SIERRA CREST HOME OWNERS ASSOCIATION
ANNUAL BOARD MEETING
March 23rd, 2023, Thursday, 6:00pm
Hilton Garden Inn - 111 West University Ave., El Paso, TX.

In attendance are the following board members: President Anthony Castañares, Vice President Lillian Crouch, Treasurer Joshua Ladd, Secretary Adrian Garcia, Jesus Carrillo, and John Scott. Other association members in the General Public present.

18:26 President Anthony Castañares calls unto order the board meeting.

Agenda Items:

1). Establish Quorum - Representation of 47% of lots present. Quorum established.

2. New Business

Financial Review for 2022 by Joshua Ladd

- Net loss of \$29,000 for 2022.
- \$8000 in the black for 2023 (this was for Feb-23. The total YTD for 2023 was \$583.68)
- \$21,000 submitted in delinquent accounts this year.
- Healthy cash position (\$34,347 as of Feb-23 compared to \$87,789 in Feb-22)

Landscape presentation by Jesus Carrillo

- The association has been receiving 75% back of its water leaks.
- Water has gone up from \$10,000 to \$50,000 since the first time he got on board.
- \$1000 dollars may be saved by cutting off the water from Hidden Hills private land irrigation.
- Process of saving \$8500 on storm water fees per year still in process.

Lots and Common Land sale presentation by Jesus Carrillo

- The Board agreed to sell 4.7 acres to Rick Francis for \$11,222.
- This included 2 common open areas and 2 lots a previous board intended to convert to common land back in 2010, but the city did not approve the conversion.
- Lots sold are not common open space but residential lots.
- The rationale used to establish the value of the land was to prevent taxes from going up.
- Simple arithmetic used to get the value.
- Many intruders coming up Piedmont.
- Police taking two hours to come over.
- A proposal by Rick Francis to redesign the landscape of the Association's entrance was introduced.
- The Board did not provide a status of the land deal.

3.) Announcement of Election Results by Sheldon Wheeler

Total 69 Ballots submitted. Top four candidates elected board members:

63 Votes for Alex Barron

60 Votes for Diana Wong

58 Votes equally for both Marty Armendariz and Adrian Garcia

19:29 - Motion to Adjourn. - Minutes prepared by Secretary, Adrian Garcia

Sierra Crest HOA Board Minutes
January 26, 2023
via Google Meet

The on-line meeting was called to order by the Board president, Anthony Castanares, at 7:06 p.m. on January 26, 2023.

HOA Board members present were:

Anthony Castanares
John Scott
Lillian Crouch
John Gates
Jesus Carrillo
Joshua Ladd

Other members of the HOA community present were:

Matt Lyon
Rick Francis
Ginger Francis
Cory Shirk
Shelina Martin
Bob Currey
Suzie Currey
Sheldon Wheeler
Priscilla _____

1. Minutes of the prior meeting were approved, with no amendments.
2. Security improvements to prevent trespassing at the southern end of the HOA property were discussed. Rick Francis proposed installing a fence below and partially surrounding his property, which he would wholly finance, including the purchase of necessary land.
A motion was made, seconded, and approved to form a committee composed of Jesus Carrillo, John Scott and Anthony Castanares to research the feasibility of Mr. Francis' proposal.
3. Security gate updates were briefly discussed, with no motions made.
4. A treasury update revealed that the HOA had finished the year (2022) in the red, and that there were still significant issues concerning delinquent dues. No motions were made.
5. A motion was made, seconded, and approved to hold the annual meeting at 7:00 p.m. on March 23, 2023. Nominations for board positions are to be finalized by February 17, 2023, and ballots, on-line and physical, to be submitted by March 2, 2023. A committee composed of Jesus Carrillo, John Scott and one other member was formed to oversee the voting process.

6. New business centered around partially developed and abandoned property in the subdivision, with suggestions about further legal action against homeowners for covenant violations. No motions were made.

A motion was made and seconded to adjourn, and the meeting ended at 8:52 p.m.

Sierra Crest Homeowners Association, Inc.

Professionally Managed by:

DANA Properties

www.danaproperties.com

(915) 581-0900

6201 Escondido Drive – Main Office

El Paso TX 79912-1947

Annual Members Meeting

1:00pm-4:00pm, Saturday December 14, 2024

Location: Hilton Garden Inn, 111 W. University Ave., El Paso TX 79902

The Sierra Crest Board of Directors has prepared this information packet and a separate ballot as a way to vote on items that will be presented at the 2024 Annual General Meeting.

Ways to Vote: According to Texas Law Section 209.00592 there are several ways to cast your vote.

Sec. 209.00592. VOTING; QUORUM. (a) Subject to Subsection (a-1), the voting rights of an owner may be cast or given:

- (1) in person or by proxy at a meeting of the property owners' association;
- (2) by absentee ballot in accordance with this section;
- (3) by electronic ballot in accordance with this section; or
- (4) by any method of representative or delegated voting provided by a dedicatory instrument.

How to Submit Your Vote: Please file your ballot one of the following ways:

- 1.) **At the Meeting:** With the Sierra Crest HOA Secretary in person or via proxy at the meeting per Bylaws Article V, Section 3 and 8.

<https://sierra-crest.org/legal-documents>

If you choose to cast your vote via proxy, please sign the Proxy form that accompanies this letter and hand your Proxy form to the person you have appointed to be your representative at the meeting.

2. **Absentee Ballot:** You may also submit your absentee ballot to Dana Properties at

6201 Escondido Drive – Main Office

El Paso TX 79912-1947

If you will be casting your ballot at Dana Properties, the deadline is 3:00pm on Friday, December 13, 2024 to have enough time to bring it to the meeting before they close the office.

NOTE: Per Texas Code Section 2009.00592

"By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."

3. Electronically: You can manually fill out this ballot and email it to board@sierra-crest.org. You will also receive a PDF form you can fill out electronically with your choices that can be signed electronically via your cellphone or computer. The deadline for electronic voting will be 10:00am on Saturday December 14, 2024 to have time to print it and bring it to the meeting.

ZOOM MEETING DETAILS

Annual Members Meeting

ZOOM: If you can't attend in person, you can also register to view the meeting live via zoom here.

<https://us06web.zoom.us/meeting/register/tZMpceugrjkiHdawDnMcT5zz3JLWTjvvezGT>

Passcode: SCHOA

AGENDA

1. Call Meeting to Order. Establish Quorum (30% is required)
2. Turn in ballots for counting.
3. Committee Presentations.
4. Budget Discussion. Voting to pass budget.
5. Results of ballot proposals.
6. Results of Election to the Board for 2025-2026.
7. New Business
8. Adjourn

PART 1 – PROPOSED 2025 BUDGET

Sierra Crest HOA		12/12/2023 Approved		12/14/2024 Proposed
INCOME STATEMENT		BUDGET	ACTUAL	BUDGET
		2023	2024E	2025E
REVENUES				
Association Dues	\$ 305,515.01	\$ 326,040.00	\$ 328,824.00	\$ 330,000.00
Late Fees	\$ 858.58	\$ -	\$ 814.06	\$ -
Donations	\$ -	\$ -	\$ -	\$ -
NSF Check Fees	\$ 25.00	\$ -	\$ 25.00	\$ -
Legal Fees	\$ 1,706.06	\$ -	\$ -	\$ -
Interest	\$ 453.23	\$ -	\$ 1.02	\$ -
	\$ -			
REGULAR REVENUES	\$ 308,557.88	\$ 326,040.00	\$ 329,664.08	\$ 330,000.00
Dues Not Collected			\$ -	\$ -
Previous Dues Collected			\$ -	\$ -
Truck Sale			\$ 5,000.00	\$ -
Lot Sale	\$ 11,242.50	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ 319,800.38	\$ 326,040.00	\$ 334,664.08	\$ 330,000.00
EXPENSES				
SECURITY GUARDS	\$ 152,181.90	\$ 154,760.00	\$ 152,776.65	\$ 153,580.00
Security Guard Service	\$ 148,832.81	\$ 150,000.00	\$ 148,060.80	\$ 148,000.00
Telephone	\$ 362.70	\$ 500.00	\$ 439.89	\$ 480.00
Guardhouse Repairs	\$ 185.00	\$ 1,260.00	\$ 816.83	\$ 1,200.00
Guardhouse Supplies	\$ 1,304.28	\$ 900.00	\$ 1,837.29	\$ 1,200.00
Gate Repairs	\$ -	\$ 540.00	\$ 90.00	\$ 1,200.00
Electricity	\$ 1,497.11	\$ 1,560.00	\$ 1,531.84	\$ 1,500.00
Guard Bonuses			\$ -	\$ -
LANDSCAPING	\$ 122,432.89	\$ 128,440.00	\$ 121,385.81	\$ 133,800.00
Water	\$ 69,377.86	\$ 72,000.00	\$ 61,055.49	\$ 72,000.00
Landscape Service	\$ 42,832.06	\$ 43,000.00	\$ 48,465.09	\$ 43,200.00
Landscape Maintenance	\$ 6,323.30	\$ 7,200.00	\$ 7,128.76	\$ 7,200.00
Sprinkler Repair	\$ 1,323.32	\$ 900.00	\$ 188.28	\$ 3,000.00
Fertilization/Pesticides	\$ 2,576.35	\$ 2,700.00	\$ 2,576.35	\$ 3,000.00
Gardener Bonuses			\$ 1,531.84	\$ 1,500.00
Park Improvements	\$ -	\$ 300.00	\$ 50.00	\$ 600.00
Plant Replacement	\$ -	\$ 1,200.00	\$ 200.00	\$ 1,200.00
Rock Wall Repairs	\$ -	\$ 600.00	\$ 100.00	\$ 1,200.00
Street Maintenance	\$ -	\$ 300.00	\$ 50.00	\$ 600.00
Signs	\$ -	\$ 240.00	\$ 40.00	\$ 300.00
ADMINISTRATION	\$ 36,022.33	\$ 28,800.00	\$ 30,997.78	\$ 35,000.00
Management Contract	\$ 8,070.00	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
Legal Fees	\$ 15,510.37	\$ 6,000.00	\$ 5,278.85	\$ 6,000.00
Insurance	\$ 1,143.57	\$ 3,750.00	\$ 7,316.78	\$ 3,900.00
Property Taxes	\$ 6,954.60	\$ 1,500.00	\$ 3,342.61	\$ 3,600.00
Office Supplies	\$ 1,412.46	\$ 1,200.00	\$ 2,776.89	\$ 3,000.00
Accounting (Audit)	\$ -	\$ 1,500.00	\$ -	\$ -
Postage	\$ 512.38	\$ 800.00	\$ 2,476.36	\$ 3,000.00
Annual Meeting Expense	\$ 1,897.04	\$ 750.00	\$ 1,378.10	\$ 1,200.00
Internet & Website	\$ 221.91	\$ 500.00	\$ 328.19	\$ 1,200.00
Accounting Software	\$ 300.00	\$ -	\$ 300.00	\$ 300.00
Credit Bureau Reporting	\$ -	\$ -	\$ -	\$ -
Miscellaneous	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00
TOTAL EXPENSES	\$ 310,637.12	\$ 312,000.00	\$ 305,160.24	\$ 322,380.00
OPERATING INCOME (LOSS)	\$ (2,079.24)	\$ 14,040.00	\$ 24,503.84	\$ 7,620.00
NET INCOME / (LOSS)	\$ 9,163.26	\$ 14,040.00	\$ 29,503.84	\$ 7,620.00

PART 2 - PROPOSED AMENDMENTS TO SIERRA CREST DECLARATION

All proposed amendments to the Sierra Crest Declaration require 67% Member approval to pass and be adopted. Currently, that means at least 75 YES votes.

No.	Existing Language	Proposed Language	NO	YES
2.	C-7 RECREATIONAL VEHICLES AND BOATS. No recreational vehicles, motor homes, trailers, trucks, campers, or motorcycles of any kind or character and no boats or yachts shall be stored or parked on any street and when stored on any Lot shall be shielded from view from the street by fence, garage or other enclosure. Any such enclosure shall be constructed or erected in accordance with these restrictions and approved by the Architectural Control Committee prior to the commencement of construction.	C-7 NON-PERMITTED ITEMS . No campers, boats, trailers, motor homes, travel trailers, camper bodies, golf carts, recreational vehicles, non-passenger vehicles, commercial vehicles or vehicles that appear to be used primarily for commercial purposes (such as taxi cabs), buses, or any vehicle intended for resale, vehicles with 3 or more axles or greater than 1 ton carrying capacity, and/or equipment or accessories related thereto (each, a “Non-Permitted Item”) may be kept on any Lot or Common Area street in the Project, unless such item is (a) kept fully enclosed within a garage located on such Lot or is otherwise screened from view from any adjacent Lot or Common Area street in the Project, except when in actual use; (b) temporarily parked on a Common Area street for the purpose of loading or unloading; or (c) a commercial vehicle that is in use for the construction, maintenance or repair of a Lot, or dwelling constructed thereon, in the immediate vicinity. For purposes hereof, the Board of Directors shall have the authority to determine in its reasonable and prudent discretion whether an item constitutes a Non-Permitted Item and whether it is being parked or stored on a Lot or Common Area street in compliance with the requirements of this Section C-7, which shall be binding provided it is made in good faith. Notwithstanding anything to the contrary, no vehicles or Non-		

		Permitted Item may be parked overnight on the Common Area streets within the Project and no more than six (6) vehicles in total may be parked overnight on a Lot so as to be visible from another Lot or Common Area street in the Project, unless approved in writing by the Architectural Control Committee. The Board of Directors shall have the authority to levy a fine against an Owner of a Lot if the Board of Directors unanimously determines that such Owner has committed a material breach of this Section C-7. The Board shall send a notification in writing of the violation providing the member up to 48 hours to cure it before being assessed a fine. If they do not comply the Board can proceed with the fine. A fine of \$250/day levied by the Board of Directors pursuant to this Section C-7 shall be considered an assessment under Section E-7 hereof for all purposes and secured by the Vendor's Lien as established by Section E-7, Subsection (g).		
No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
3.	<p>B-4 COMMON AREAS. Common Areas shall refer to and have the same meaning as that term is defined in Article 25-21.2 of the El Paso City Code, which definition is incorporated herein for all purposes.</p> <p>B-5 COMMON OPEN SPACE. Common Open Space shall refer to and have the same meaning as that term is defined in article 25-21.2 of the El Paso City Code, which definition is incorporated herein for all purposes.</p>	<p>B-4 COMMON AREAS. Common Areas shall mean all areas (including any improvements or recreational facilities constructed thereon) within the Project owned or to be owned by the Association for the common use and enjoyment of the Members, including, without limitation, the streets within the Project.</p> <p>B-5 COMMON OPEN SPACE. Common Open Space shall refer to the areas of land designated as Common Open Space (or "C.O.S.") on a Plat of the Project.</p>		

No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
5.		<ul style="list-style-type: none"> • E-11 COMMON OPEN SPACE SALES. In general, Common Open Space is not for sale. However, if there is a good reason why the Board feels that the members would benefit from selling a portion of Common Open Space the Board must satisfy the following conditions: <ol style="list-style-type: none"> 1) Define the purpose for the sale. 2) Define who the proposed buyer is. 3) Show a map of the proposed land to be sold with clearly defined boundaries. 4) Define the proposed price and the method how this value was derived. 5) Hire a professional independent property appraiser to place a value on the land to be sold. This appraisal must be paid by the buyer. 6) Hire a professional surveyor to create a survey of the land to be sold. This survey must be paid for by the buyer. 7) Call a special meeting at least 30 days ahead of the proposed sale to explain to all the members why this sale is necessary or recommended. All supporting documentation, rationale, appraisal, and survey must be presented to all members. 8) Allow members time to discuss, ask questions, and provide feedback. 9) Secure a YES vote from at least 65% of ALL the members who pay dues in favor of the proposed transaction. 10) Show a copy of the contract to be signed, along with any special provisions. 11) In the event the parcel of land being considered for purchase is under 1,000 SF, the ACC can make a decision without having to go through the process above. However, the pricing still has to be detailed and documented. 		

No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
7.1		<p>D-3 <u>TERMS</u>. Architectural Control Committee (ACC) members will be appointed to serve for 3-year terms. Each term will begin once appointed by the Board and will end on December 31 of the third year after it began. After the term ends, the Board will choose a replacement. The goal is for members to serve staggered terms to insure some measure of continuity as well as rotation. In the event, the Board is not able to find a suitable replacement, and the ACC committee member is willing to serve for another term, the Board may re-appoint the same person for a second consecutive term.</p>		
No.	Existing Language and Proposed Strikethroughs	Proposed Language	NO	YES
7.2		<p>D-4 <u>RESIDENCY</u>. ACC members shall be selected from people who reside at Sierra Crest. The purpose is so they can be close to the day to day activities that affect the subdivision.</p>		

PART 3 - PROPOSED MAJOR BOARD ACTIONS AND DECISIONS

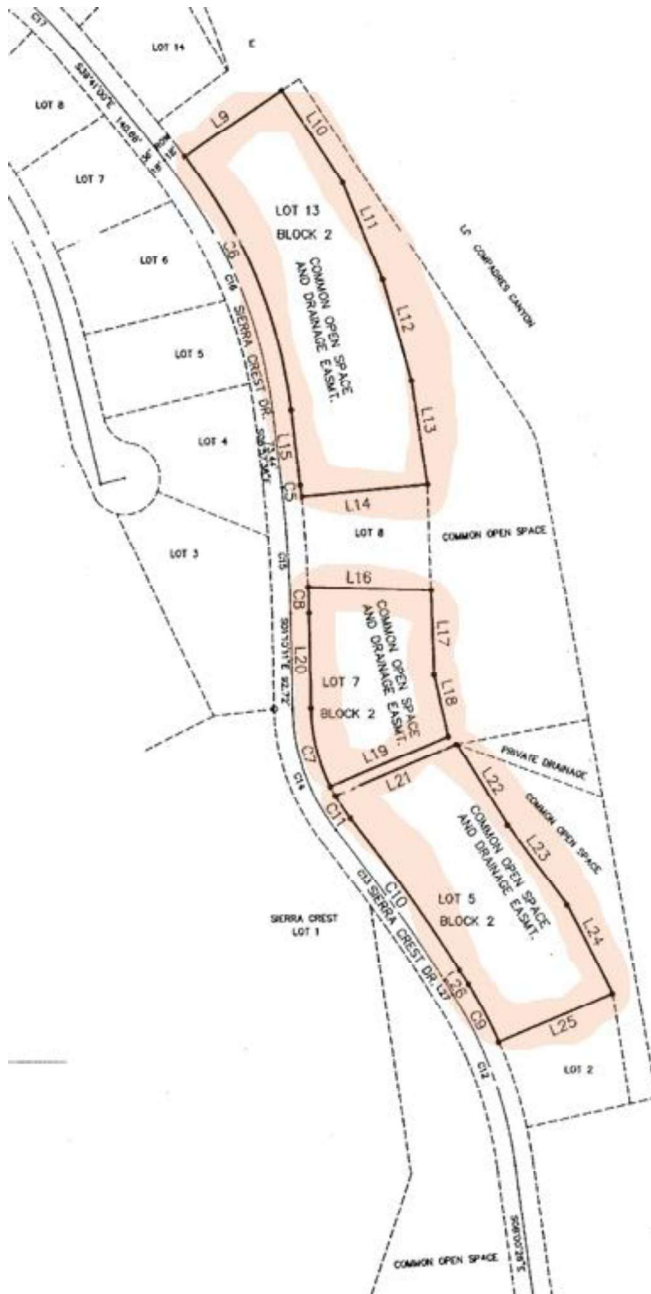
The following are proposed changes that require 60% YES vote of the members present at the meeting to Pass.

ITEM 4. POTENTIAL REVERSAL OF COMMON OPEN SPACE BACK TO RESIDENTIAL LOTS

Originally Sierra Crest HOA had approximately 135 residential lots. Replat D shows these lots along Sierra Crest Drive on the right hand side as you drive up.



In December 1998 the Sierra Crest Board converted approximately 10 residential lots along Sierra Crest Dr and one on Bronze Crest into Common Open Space.



The current board is proposing to reverse that decision and seek the means with the City of El Paso to convert that Common Open Space back into residential lots.

The purpose would be to sell those lots for at least \$50,000-\$100,000 each, thereby raising much needed capital and creating the ability to charge as many as 10 HOA dues going forward which would bring in over \$30,000 additional income per year.

If this passes, a special committee would be created to study the best way to maximize the value of these lots, the income received, and minimize any tax liability and traffic associated with their sale.

Note: Price to be determined after the Special Committee consults a property appraiser and lists them with a real estate broker to maximize the price received.

No.	Current Situation	Proposed Major Change	NO	YES
4.	NO = Status quo – Keep the current land as Common Open Space.	YES = Empower the Board to seek a way to reverse the designation as Common Open Space and Restore the lots back to Residential Lots in order to sell them.		

ITEM 6. PROPOSALS TO ENHANCE SECURITY AT THE GUARDHOUSE AND COMMUNITY

PROBLEMS: In recent years several members have experienced security issues ranging from hitchhikers coming in from the mountain knocking on their door, to people trespassing into a member's home. Most recently a robbery took place on Copper Crest.

- Sierra Crest had no way to videotape that incident and neighbor's cameras were low resolution. Thus it was impossible to determine who did it.
- The guards provide a certain level of privacy by screening who comes into the Association through the main gate. But they do not offer protection. There is high turnover because of the low pay.
- As a consequence the guards are not always well trained. They often let anybody up. They do not always record who comes in.
- The guards have NO visibility to any of these issues and thus cannot take ANY action – especially at night.
- The current camera system we have is outdated. They cannot read license plates. They have no facial recognition capabilities. The video recording only lasts 11 days.
- There are NO cameras anywhere else except at the entrance.
- The video recording cannot easily identify faces, cars, license plate or do quick searches based on specific search criteria.
- If the guards had more visibility to monitor different points throughout the community they could potentially take action – such as calling the police, alert the neighbors, etc.
- The guards often keep the barrier arms up especially on the way out to allow fast exit. This is convenient, but this can create unintended problems such as making it nearly impossible for the guard to retain suspects for further inquiry.
- We live in a prestigious, high end neighborhood. But our entrance does is not representative of this quality at first glance. The current barrier arm gate system we have is old and does not adequately reflect upon the prestige and value of our private 24/7 gated community.



ACTIONS TAKEN BY BOARD:

- The Board established a Guardhouse committee to better understand the issues, see how the members felt about the current setup, and investigate various options and potential solutions to improve the security and lifestyle at Sierra Crest.
- One of the first actions was to issue a survey to gauge how the members felt about the guards and the fees they pay.
- The survey showed most members want to maintain the guards 24/7. Many members fear losing the guards.
- They want the guards to be outsourced to a third party security company, not hire them in-house.
- The guardhouse committee obtained multiple quotes based on the designs considered.

NOTE: Guards Cannot Be Removed Without a Vote by Full Membership

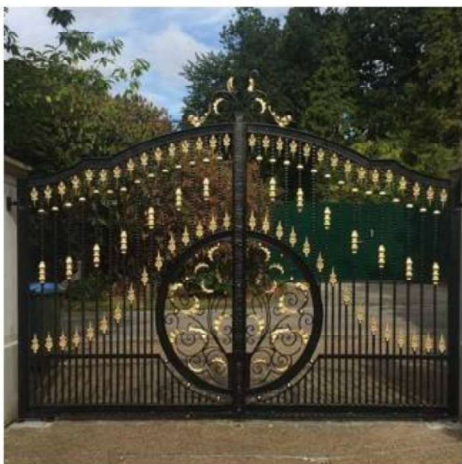
- In 2023, the Membership adopted reforms to the way we are governed.
- One of the benefits was an amendment which requires Special Member Meetings and voting before any major action that affects the community can take place.
- Therefore, voting on both measures – a gate at the entrance and security cameras is NOT a first step towards removing the guards.

ITEM 6.A. Security Ornamental Electronic Wrought Iron Gates

The gate system would be purchased with funds that we have in reserves of nearly \$43,500.

Two gate designs were proposed and quotes were obtained as follows:

Design Option 1



Gate System: \$18,090

Design Option 2



Gate System: \$15,090

The quotes include gate fabrication, motors, and motor installation.

The proposed vote is to select one the following choices.

- How do you vote?: Please only select 1 choice.

No.	Current Situation	Proposed Major Change	NO	YES
6A.	NO = Status quo – Keep the current barrier arms	YES = Install an ornamental gate at the entrance.		

NOTE: The option that passes requires 60% YES votes from any members represented and voting at the annual or special members meeting.

- If the Gate gets over 60% of the votes present, which design do you prefer?
- Design Option 1 at a cost of just over \$18,000. _____
- Design Option 2 at a cost of just over \$15,000. _____

ITEM 6.B. Security Camera System

The Guardstation Committee also looked at the current security camera system. It is an outdated technology.

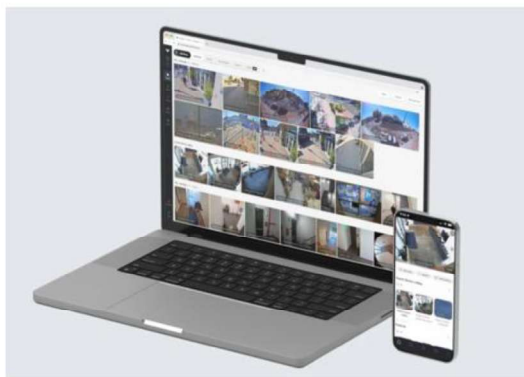
The guardstation committee is proposing to install a state-of-the-art security camera system to replace the one we have. The system is made by Verkada. This new system would include the following features:

- 1 Camera for Incoming Traffic
- 1 Camera for Outgoing Traffic
- 1 Camera for top of Diamond Crest
- 1 Pad to register incoming Guests before being given access
- Ability to recognize license plates and vehicle characteristics
- Ability to add additional cameras in other places of the community to allow the guards to monitor various points of interest from the guard station.

Hi Tech Security Camera System with License Plate Recognition & Remote Monitoring Capability



Camera System: \$12,680



<https://www.verkada.com/security-cameras/license-plate-recognition/>

The vote proposed today is to select on the following choices.

No.	Current Situation	Proposed Major Change	NO	YES
6A.	NO = Status quo – Keep the current camera system	YES = Install a new state of the art security camera system at a cost of approximately \$12,700.		

- **NOTE:** The option that passes requires 60% YES votes from any members represented and voting at the special members meeting.

PART 4 – PROPOSED changes to the ACC Rules and Procedures Guide

The following changes are being proposed to the current ACC Rules and Procedures Guide. The following are proposed changes that require 60% YES vote of the members present at the meeting to Pass.

NOTE:

- Items in **green** are proposed additions.
- Items in **yellow** are proposed changes.
- Items in **red** are proposed deletions.

No.	Current Language	Proposed Language	NO	YES
8.1.	V. General Guidelines and Procedures 3. Plan Submittal NO = No change	 YES = e. The ACC chair needs to notify the Board via email when an Application is submitted by a Member. <i>Rationale: The purpose is to keep the Board informed of new projects as well as keep a record of the date a project was submitted to ensure a timely response within 30 days.</i>		

No.	Current Language	Proposed Language	NO	YES
8.2.	<p>V. General Guidelines and Procedures</p> <p>3. Security Deposits</p> <p>a. A certified check made payable to Sierra Crest Homeowners Association for \$10,000.00 shall be required with each Design Plan for new construction at the time the Plan is submitted for ACC review.</p> <p>NO = No change</p>	<p>YES =</p> <p>a. Payment must be made to Sierra Crest Homeowners Association for \$10,000.00, or 1% of Estimated Project Cost, whichever is greater, shall be required with each Design Plan for new construction at the time the Plan is submitted for ACC review.</p> <p><i>Rationale: The purpose of increasing the deposit is so that member who build have more “skin in the game” and will work hard to ensure they comply with all rules and requirements in order to get their deposit back at the end.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.3.	<p>V. General Guidelines and Procedures</p> <p>3. Security Deposits</p> <p>d. The ACC may waive or may require a reduced security deposit for smaller remodeling or other Improvement projects.</p> <p>NO = No change</p>	<p>YES =</p> <p>d. The ACC may recommend waiving or reducing the security deposit for smaller remodeling or other Improvement projects. Any waiver or reduction requires written Board approval along with the rationale for this action.</p> <p><i>Rationale: The act of waiving or reducing deposits is intended to be the exception rather than the rule – for example for remodeling projects with a value less than \$10,000.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.4.	<p>V. General Guidelines and Procedures</p> <p>8. Timely Completion of Projects.</p> <p>In order to minimize inconvenience to neighbors and other residents of Sierra Crest, it is expected that projects will be completed in a timely manner and will generally adhere to approved schedules. Any work stoppage of more than thirty (30) consecutive calendar days may cause the ACC's approval to be voided. Owners are responsible to provide a written notice to the ACC of any work stoppage of greater than thirty (30) consecutive calendar days; the notice will include an explanation of the reason for the stoppage.</p> <p>NO = No change</p>	<p>YES =</p> <p>8. Timely Completion of Projects. In order to minimize inconvenience to neighbors and other residents of Sierra Crest, it is expected that projects will be completed in a timely manner and will generally adhere to approved schedules. Any work stoppage of more than thirty (30) consecutive calendar days may cause the ACC's approval to be voided. Owners are responsible to provide a written notice to the ACC of any work stoppage of greater than thirty (30) consecutive calendar days; the notice will include an explanation of the reason for the stoppage.</p> <ul style="list-style-type: none"> • If a member violates the 30-day work stoppage, any material and equipment left on site will be considered abandoned and may be removed by the ACC at the Owner's expense. The cost will be deducted from the security deposit. • Abandonment of a project for more than 90 days may be cause for forfeiture of the entire deposit. The ACC may, in its discretion, waive forfeiture if there are valid written reasons. • To restart, a new application and deposit will need to be re-submitted. • Per Texas Code Section 209.006 the ACC must notify the member in writing of what he needs to do and how much he will be assessed if he doesn't fix the violation. The member must also be notified how much time he has to cure the deficiency and the fact that he may lose part or all of his deposit if he doesn't cure it in time. <p><i>Rationale: The Association does not want projects left abandoned which look like an eyesore. The goal is to ensure continuous improvement until completion.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.5.	<p>V. General Guidelines and Procedures</p> <p>9. Appeals. Appeal from a final decision of the ACC may be made to the Board of Directors.</p> <ul style="list-style-type: none"> a. Procedure. Appeals must be submitted in writing, identifying with specificity the decision being appealed and a detailed explanation for the basis of the appeal. b. Time Lines. Appeals must be filed within 15 days of the date of the Architectural Committees written decision. The Board will hear the Appeal at the next scheduled Board meeting. A ruling from the Board of Directors will be issued within 30 days from the appeal and will be final and binding on the Owner. <p>NO = No change</p>	<p>V. General Guidelines and Procedures</p> <p>9. Appeals. Appeal from a final decision of the ACC may be made to the Board of Directors.</p> <p>YES =</p> <ul style="list-style-type: none"> a. Procedure. Appeals must be submitted in writing, identifying with specificity the decision being appealed and a detailed explanation for the basis of the appeal. b. Time Lines. Appeals must be filed within 15 days of the date of the Architectural Committees written decision. The Board will hear the Appeal within 30 days of filing an appeal. A ruling from the Board of Directors will be issued within 30 days from the hearing. c. Final Appeal. If the Board denies the appeal, the Member has the right to appeal to the entire community. The member must request in writing via email and/or certified letter that the Board call a special members meeting within 45 days of the denial. The Member must present his/her appeal to all members who attend. The Board and ACC will present their reasons for declining to approve. The members who attend will listen to all arguments and issue a decision. The decision will be final and binding on the Owner. In order to overturn the Board denial, the member must secure at least 60% votes from all members who attended the special meeting in his/her favor. <p><i>Rationale: In the event there is personal animosity that is potentially driving the denial from the ACC or Board this will allow members a chance to be heard by all members and hopefully minimize the probability of lawsuits.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.6.	<p>VI. Specific Guidelines and Procedures</p> <p>1. Requests for New Construction.</p> <p>d. Construction Dimensions.</p> <p>i. Set Backs. All improvements or portions thereof, including garages, carports, porches and overhangs, shall be set back from the property lines as follows:</p> <ul style="list-style-type: none"> • 5 to 10 feet from the front property line, depending on the location of the utility easement and/ or location of the street. • 5 feet from the side and 5 feet from the rear, including easements. <p>NO = No change</p>	<p>YES =</p> <p>i. Set Backs. All improvements or portions thereof, including garages, carports, porches and overhangs, shall be set back from the property lines or street as follows:</p> <ul style="list-style-type: none"> • 5 to 10 feet from the front property line or street, whichever makes most sense, depending on the location of the utility easement and/ or location of the street. • 5 feet from the side and 5 feet from the rear, including easements. • In no event shall the member build outside the legal property line. If they feel they need more space they can ask the HOA to consider selling them a small part of the common open space, at the ACC's discretion and approval. <p><i>Rationale: The property lines and the streets at Sierra Crest often do not line up. This gives the ACC and the Owner an opportunity to work together on what makes common sense.</i></p>		

PROPOSALS TO MODIFY THE RESTRICTED HEIGHT DEFINITION

NOTE: Items 8.7, 8.14, 8.15, 8.17 all have the same language regarding 25 Height restrictions. Thus to ensure the document is compatible, all will items must either stay the same or all must change if at least 3 of them pass to avoid contradictions. These items were intentionally placed “out of order”.

- The key issue is whether the 25-foot height restriction should include items such as Air conditioning units, vents, and roof screens such as parapet walls.
- By INCLUDING them this forces a home’s true ceiling height to be much lower (20-21 feet).
- By EXCLUDING them, this allows the true intent of the 25-foot height restriction to protect primary views.

No.	Current Language	Proposed Language	NO	YES
8.7.	<p>VI. Specific Guidelines and Procedures</p> <p>1. Reqeusts for New Construction</p> <p>d. Construction Dimensions.</p> <p>ii. Maximum Height of Construction. Maximum height shall not exceed two stories or 25 feet. Air conditioning units, vents, and roof screens such as parapet walls are included in the preceding dimension. The 25 feet will be measured from the highest point of the lot’s natural grade to the highest point on the building (except chimneys). Pitched roofs are measured to the ridge.</p> <p>NO = No change</p>	<p>YES =</p> <p>ii. Maximum Height of Construction. Maximum height shall not exceed two stories or 25 feet. Air conditioning units, vents, and roof screens such as parapet walls are excluded in the preceding dimension. The 25 feet will be measured from the highest point of the lot’s natural grade to the highest point on the building (except chimneys). Pitched roofs are measured to the ridge.</p> <ul style="list-style-type: none"> • The main goal is to protect the views of any neighbor above the home in question. If those views are not being threatened the ACC can apply discretion and common sense in applying the maximum height guideline. <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if iincluded.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.14.	<p>APPENDIX B. CHECKLIST FOR DESIGN PLAN APPROVAL</p> <p>Exterior Details.</p> <ul style="list-style-type: none"> Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, including A/C. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, excluding A/C and parapets . <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if included.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.15. (1)	<p>APPENDIX B. CHECKLIST FOR DESIGN PLAN APPROVAL</p> <p>OWNER ACKNOWLEDGMENT.</p> <ul style="list-style-type: none"> Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, including A/C. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> Exterior Elevations (front, back and sides). To-scale professional drawings showing finished heights and other dimensions. Front not to exceed two stories or 25 feet, excluding A/C and parapets . <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if included. The intention is to make all language related to maximum height consistent.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.17.	<p>PRIMARY VIEW</p> <p>EXAMPLE A: The highest point of the lower house must be at least two feet lower than the finished floor of the upper house. Maximum height above street level is 25 feet to roof line (including AC units, stacks, etc.)</p> <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> EXAMPLE A: The highest point of the lower house must be at least two feet lower than the finished floor of the upper house. Maximum height above street level is 25 feet to roof line (excluding AC units, stacks, parapets, etc.) <p><i>Rationale: The intention is for the majority of the maximum height to be under this guideline rather than 100% because it would force two story structures to be much shorter if included. The intention is to make all language related to maximum height consistent throughout the SCHOA ACC Guide.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.8.	VI. Specific Guidelines and Procedures <ul style="list-style-type: none"> 1. Requests for New Construction. <p>NO = No change</p>	<p>YES =</p> <p>g. Walls and Fences. Projects involving walls or fences must meet one of these general requirements.</p> <ul style="list-style-type: none"> • They must protect the property value of the subdivision, harmonize with existing structures, and protect the investment of all other owners. • Acceptable materials may be one of the following: • Interlocking concrete wall block • Natural stone wall or fence • Brick wall • Wrought iron gate • Combination of Stone or Brick columns with Wrought Iron Gates in between • Reinforced concrete or Block with stone veneer. <p><i>Rationale: The purpose is to optimize the overall appearance of the development.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.9.	VI. Specific Guidelines and Procedures <ul style="list-style-type: none"> 1. Requests for New Construction. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> h. Damage to Common Areas. Before construction begins, the Owner must provide to the ACC photos of the common areas and rock walls in his own property and in adjacent properties. The Owner must ensure that his workers protect all common areas and rock walls while they are working on the project. In the event any of his workers cause damage, the damage must be repaired immediately. The ACC must keep a log of communication with the Owner providing him/her an opportunity to repair the damage at his/her own expense before a backcharge is assessed against their deposit. The ACC must work with the Landscaping Committee to fix rock walls that are damaged and do a monthly review of all common areas. <p><i>Rationale: The purpose is to make sure all common areas are protected and are returned back to their original state after construction is completed.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.10.	<p>VI. Specific Guidelines and Procedures</p> <p>2. Requests for Exterior Improvements (Additions, Renovations, Remodeling and Exterior Painting).</p> <p>A request for review of an Exterior Improvement will be submitted to the ACC in writing using the form at Appendix C. Security deposits for small projects may not be required. The ACC will determine whether a deposit is required.</p> <p>NO = No change</p>	<p>YES =</p> <p>A request for review of an Exterior Improvement will be submitted to the ACC in writing using the form at Appendix C. Security deposits for small projects (under \$10,000) may not be required. The ACC will determine whether a deposit is required.</p> <p><i>Rationale: The purpose is to define what is a “small project”.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.11.	<p>VI. Specific Guidelines and Procedures</p> <ul style="list-style-type: none"> 3. ACC Review and Decision. <p>NO = No change</p>	<p>YES =</p> <ul style="list-style-type: none"> d. When an Application is Approved or Rejected, the ACC chair must inform the board in writing of its decision via email. <p><i>Rationale: The purpose is to keep the Board informed of new projects as well as keep a record of the date a project was approved or rejected within the 30 day timeframe.</i></p>		

No.	Current Language	Proposed Language	NO	YES
8.12.	<p>VI. Specific Guidelines and Procedures</p> <p>9. Authority to Fine Members Not in Compliance with ACC Guidelines</p> <p>NO = No change</p>	<p>YES =</p> <p>9. Authority to Fine Members Not in Compliance with ACC Guidelines</p> <ul style="list-style-type: none"> The Board will have the Authority to fine members not in compliance with ACC Guidelines after the ACC has given the member 30 days written notice to get into compliance and where the member has made no effort to correct the situation, appeal to the Board, or otherwise explain why they believe the guideline does not apply to them. The Board, after meeting with the ACC, and after consulting with the HOA attorney will decide if the violation warrants a fine. The maximum fine imposed will be \$200/day or whatever Texas law permits, upon consultation with the HOA attorney regarding the circumstances. Per Texas Code Section 209.006, the ACC must inform the member of the violation in writing and provide the member an opportunity to cure it before he is fined. In order to fine at least a majority of the Board members need to approve the fine. <p>This is meant to correct major situations or nuisances such as:</p> <ul style="list-style-type: none"> Working on a project without approval from the ACC. Working on a project without a permit from the City. Abandoning a project more than 90 days and Leaving construction materials visible from the side of the road on common areas. Building a retaining wall that is dangerous to the health and safety of the community due to potential impending collapse as determined by a unanimous opinion of the Board, ACC and a professional structural engineer. <p>This list is not meant to be exhaustive, but gives the ACC an idea of what rises to the level of warranting a fine.</p> <p><i>Rationale: The purpose is to give the ACC guidelines some "teeth", yet also protect members who are building from frivolous actions on the part of the ACC that may be deemed biased, malicious, arbitrary, capricious or discriminatory by a court of law.</i></p>		

Sec. 209.006. NOTICE REQUIRED BEFORE ENFORCEMENT ACTION. (a) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, levy a fine for a violation of the restrictions or bylaws or rules of the association, or report any delinquency of an owner to a credit reporting service, the association or its agent must give written notice to the owner by certified mail.

(b) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner;

(2) except as provided by Subsection (d), inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;

(B) may request a hearing under Section 209.007 on or before the 30th day after the date the notice was mailed to the owner; and

(C) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.), if the owner is serving on active military duty;

(3) specify the date by which the owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety; and

(4) be sent by verified mail to the owner at the owner's last known address as shown on the association records.

No.	Current Language	Proposed Language	NO	YES
8.13.	VII. Project Completion 4. Return of Deposit. NO = No change	YES = <ul style="list-style-type: none"> 4. Return of Deposit. ACC must notify Board project is complete and has met all requirements. Board must approve return of Deposit via email to HOA Administrator and cc ACC. <i>Rationale: The purpose is to keep the Board informed of project completions as well as to shift authority to approve financial matters to the Board. ACC must first certify to the Board they have inspected the common areas surrounding the construction project for any damages.</i>		

No.	Current Language	Proposed Language	NO	YES
8.15. (2)	Owner Acknowledgment NO = No change	YES = <ul style="list-style-type: none"> I acknowledge the ACC has the authority to retain and backcharge part of my deposit to repair damages to the common areas if I don't do it myself within 30 days after being given an opportunity to repair them. <i>Rationale: Also to have member who is building acknowledge and sign that he/she is being given an opportunity to repair any damage to the common areas otherwise a portion of the deposit will be used for this purpose.</i>		

ITEM 8.16. APPENDIX C. CHECKLIST FOR APPROVAL OF EXTERIOR IMPROVEMENTS

- OWNER ACKNOWLEDGMENT.

CURRENT LANGUAGE:

- 1. REQUESTED APPROVAL (please check one)

Fence	Landscaping	Room/Garage addition
Irrigation	Satellite Dish	Deck or Patio
Pool	Storage Building	Deck or Patio Cover
Playscape	Exterior Paint	Outdoor Lighting
Other		

PROPOSED LANGUAGE:

- 1. REQUESTED APPROVAL (please check one)

Fence	Landscaping	Room/Garage addition
Irrigation	Satellite Dish	Deck or Patio
Pool	Storage Building	Deck or Patio Cover
Playscape	Exterior Paint	Outdoor Lighting
Other		

- *Rationale: The intention is to delete from the purview of the ACC items which are inside the property and are of each owner's personal taste which should not generally affect the majority of other homeowners.*

How do you vote?

No.	Current Language	Proposed Language	NO	YES
8.16. (2)	Appendix C. Checklist NO = No change	YES = Strike the items in red from the checklist. .		

Sierra Crest - 2024 Election Preliminary Results

ORIGINAL VOTES ANNOUNCED

		Yes	No	Yes & No	Pass or Fail?	to PASS	to PASS	Yes	No	Blank	Missing	Votes Cast	Yes & No	Pass or Fail?	to PASS	to PASS	Passed by
PART 1	Budget	Unanimous			PASS!			71	6	2	2	81	77	PASS!			
	Dues	Unanimous			PASS!			79	0	0	2	81	79	PASS!			
PART 2	2.0	38	26	64	FAIL	67%	112	51	22	6	2	81	73	FAIL!	67%	75	
	3.0	41	19	60	FAIL			47	26	6	2	81	73	FAIL!	67%	75	
	5.0	36	22	58	FAIL			43	30	6	2	81	73	FAIL!	67%	75	
	7.1	40	20	60	FAIL			47	26	6	2	81	73	FAIL!	67%	75	
	7.2	37	22	59	FAIL			45	28	6	2	81	73	FAIL!	67%	75	
PART 3	4.0	28	35	63	FAIL	60%	37.8	30	44	5	2	81	74	FAIL	60%	45	-15
	6.A(1) Gate	36	28	64	FAIL	60%	38.4	44	32	3	2	81	76	Borderline	60%	46	
	Option 1	24	28	52	FAIL			29	40	10	2	81	69				
	Option2							35	37	7	2	81	72				
	6.B Cameras	30	19	49	FAIL!	60%	29.4	56	20	3	2	81	76	PASS!	60%	46	10
PART 4	8.1	36	29	65	FAIL	60%	39	47	27	5	2	81	74	PASS!	60%	45	2
	8.2	33	34	67	FAIL	60%	40.2	42	32	5	2	81	74	FAIL	60%	45	-3
	8.3	30	34	64	FAIL	60%	38.4	40	33	6	2	81	73	FAIL	60%	44	-4
	8.4	40	29	69	FAIL	60%	41.4	48	26	5	2	81	74	PASS!	60%	45	3
	8.5	34	30	64	FAIL	60%	38.4	47	27	5	2	81	74	PASS!	60%	45	2
	8.6	34	32	66	FAIL	60%	39.6	44	30	5	2	81	74	Borderline	60%	45	-1
	8.7	32	33	65	FAIL	60%	39	43	31	5	2	81	74	Borderline	60%	45	-2
	8.14	31	34	65	FAIL	60%	39	41	33	5	2	81	74	FAIL	60%	45	-4
	8.15.1	32	33	65	FAIL	60%	39	43	31	5	2	81	74	Borderline	60%	45	-2
	8.17	29	35	64	FAIL	60%	38.4	39	34	6	2	81	73	FAIL	60%	44	-5
	8.8	37	29	66	FAIL	60%	39.6	46	27	6	2	81	73	PASS!	60%	44	2
	8.9	35	27	62	FAIL	60%	37.2	49	24	6	2	81	73	PASS!	60%	44	5
	8.10	33	29	62	FAIL	60%	37.2	46	27	6	2	81	73	PASS!	60%	44	2
	8.11	37	27	64	FAIL	60%	38.4	48	25	6	2	81	73	PASS!	60%	44	4
	8.12	36	28	64	FAIL	60%	38.4	47	26	6	2	81	73	PASS!	60%	44	3
	8.13	30	33	63	FAIL	60%	37.8	47	26	6	2	81	73	PASS!	60%	44	3
8.15.2	25	38	63	FAIL	60%	37.8	41	32	6	2	81	73	FAIL	60%	44	-3	
	8.16	23	41	64	FAIL	60%	38.4	40	34	5	2	81	74	FAIL	60%	45	-5

ORIGINAL VOTES ANNOUNCED

BOARD	Yes
Alex	37
Jorge	34
Jesus	33
Anthony	33
Lestlie	32
Josh	31
Ruth	29
Eduardo	29

VOTES BASED ON RECOUNT

Recount	Difference
41	4
37	3
37	4
38	3
35	3
34	3
33	4
32	3

**Sierra Crest HOA Board Meeting Minutes
January 31, 2025**

The Zoom meeting was called to order at 6: 04 p.m. on January 31, 2025.

HOA board members present:

John Gates, Secretary; Alex Barron, Treasurer; Anthony Castañares, Jesus Carrillo, Jorge Sanchez and Margarita Villalobos, thereby establishing a quorum.

HOA board members absent:

Shemuwel Baruwk, president.

Other members of the HOA present:

Bob Currey, Suzie Currey, Ann Gates, and Joshua Ladd.

A motion was made by Alex Barron, and seconded by Margarita Villalobos, to postpone the meeting, citing the ongoing legal case involving the December 14, 2024 election of new board members and other matters. Alex Barron, Margarita Villalobos and Jorge Sanchez voted “yes,” while John Gates, Anthony Castañares, and Jesus Carrillo voted “no.” The motion failed.

Agenda Business:

1. Alex Barron presented a financial update, which included a \$29,799.00 operating profit for the year of 2024, fairly stable water bills, no increase in monthly HOA dues, and an explanation of why a year-end bonus was awarded to the entrance gate guards, but not to the landscapers.

A concern arose over the HOA’s purchase of the truck used by a former landscaper, and its subsequent sale to a member of the board for \$3000.00 lower than the original purchase price. Although Bob Currey argued that such a sale could possibly constitute an ethics violation, no motions were made.

2. During an update on the entrance gate guardhouse, it was argued that the \$13,000.00 purchase of the security camera system for the gate and elsewhere in the HOA violated the DCCR requirements that any one-time purchase of a capital item over \$10,000.00 must be approved by 67% of the members present or represented by proxy at a special meeting, and not 60% of the members as stated on the ballot where such purchase was earlier approved.

After considerable discussion, a motion was made and seconded that the issue be tabled pending further discussions with legal counsel. Alex Barron voted “no,” while Anthony Castañares, Jesus Carrillo, Jorge Sanchez, and John Gates voted “yes.” Margarita Villalobos left the meeting and did not vote. The motion passed.

3. In the “New Business” portion of the meeting, the following items were presented:

a. Anthony Castañares made a motion, which was seconded, that:

all messages, emails, letters, or communication that purport to be from the Sierra Crest board of directors must be approved by no less than four current board members. This requirement shall remain in effect until so rescinded by a majority of board members.

Alex Barron voted “no,” while Anthony Castañares, Jesus Carrillo, Jorge Sanchez, and John Gates voted “yes.” Margarita Villalobos did not vote. The motion passed.

b. Anthony Castaños made a motion, which was seconded, that:

the Sierra Crest HOA board meeting immediately following January 31, 2025, shall be required to be in person, with Zoom as a backup form of communication.

Alex Barron voted “no” while Anthony Castaños, Jesus Carrillo, Jorge Sanchez, and John Gates voted “yes.” Margarita Villalobos did not vote. The motion passed.

c. A motion was made by Anthony Castaños, and seconded, that:

effective January 31, 2025, Irving Arias is no longer to remain on probationary status as the gardener for the Sierra Crest HOA.

All board members present voted “yes,” and the motion passed.

d. A motion was made by Anthony Castaños, and seconded, that:

any vote taken by the board of directors of the Sierra Crest HOA shall be required to be a roll-call vote where each board member’s name is called out verbally and his or her vote be recorded for the record.

All board members present voted “yes,” and the motion passed.

e. A discussion was held concerning the possibility of settling the cases now pending between Rick and Ginger Francis and the Sierra Crest HOA, and it was ultimately decided to await the probable court order to mediate (resolve without trial) those cases.

4. A motion was made and seconded to adjourn, and the meeting concluded at 7:37 p.m.

Automated Certificate of eService

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Marisol Alers on behalf of John Dickey
Bar No. 783963
malers@eplawyers.com
Envelope ID: 102740366
Filing Code Description: Motion (No Fee)
Filing Description: PL Motion to Appoint Receiver
Status as of 7/3/2025 10:59 AM MST

Associated Case Party: Sierra Crest Homeowners Association, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Kirstie Simmerman		ksimmerman@grsm.com	7/3/2025 9:13:53 AM	SENT
Gregory S.Cagle		gregory.cagle@caglepugh.com	7/3/2025 9:13:53 AM	SENT
James M.Greer		jgreer@grsm.com	7/3/2025 9:13:53 AM	SENT
Samantha Rouse		samantha.rouse@caglepugh.com	7/3/2025 9:13:53 AM	SENT
Yvette Medina		yvette.medina@caglepugh.com	7/3/2025 9:13:53 AM	SENT
Clerk of the Court		41DCEfile@epcounty.com	7/3/2025 9:13:53 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Harrel LDavis III		hdavis@eplawyers.com	7/3/2025 9:13:53 AM	SENT
Virginia Rust		vrust@eplawyers.com	7/3/2025 9:13:53 AM	SENT
Victoria Pena		vpena@eplawyers.com	7/3/2025 9:13:53 AM	SENT
VLS DFW Support		VLS_DFWSupport@grsm.com	7/3/2025 9:13:53 AM	SENT
41st District Court		41DCEfile@epcountv.com	7/3/2025 9:13:53 AM	SENT