

A&A COMMITTEE
Road Maintenance Meeting
Minutes
Mission Hills Condos & Mission Hills Estates

December 17, 2024
Prescott Public Library – Bump Room

Meeting was called to order at 10:10 a.m.

In Attendance:

Steve Borge – Mission Hills Interim President

Kimberly Stiller – Mission Hills Estates Secretary/Treasurer

John Shirley – Mission Hills Estates President

Ethan Wolfinger – Mission Hills Vice President

The purpose of the Meeting was to meet and discuss the proposed addendum of the Access & Arbitration Agreement which was drafted by Ethan Wolfinger of the MHPOA.

The Mission Hills Condo Board Members along with the Bear Creek Representatives previously agreed that an addendum would be written by the MHPOA Board Members, specifically Ethan Wolfinger.

Per the previously agreed upon terms, the proposed addendum was emailed to Mission Hills Condos for approval and/or modification. After multiple drafts of the addendum had been emailed back and forth between the above named Board Members, the above Members of both Boards did meet in person to discuss the following:

Ethan did scrutinize line by line and word by word as he went to supplement the 1989 agreement with what we discussed (road maintenance and responsibility) and realized the agreement dealt with a lot more than road maintenance. There are provisions in the 1989 Access and Arbitration Agreement that in his view should be eliminated as they relate to mutual review and enforcement of our respective CC&Rs. The addendum includes an additional ratio to be established to determine how much Mission Way constitutes the percentage of all Mission Hills Condo roads.

This revised agreement incorporates what he believes we discussed about roadway access and maintenance and it is a starting point. It is Ethan's opinion that there are provisions in that old agreement regarding CC&R enforcement and litigation potentially against each other. And I think if we are going to clarify road maintenance, we should look at the rest of the agreement as the latter provisions are shocking. Further, Ethan made additional changes to the agreement that we discussed, calling the agreement an addendum, making sure the constituency of the committee will be 4 – 6 members (2 -3 from each Association although I think we agreed 2 from each side should be plenty), and he plugged in a 30 day due date for our association to pay its proportionate share of maintenance expense for the road once we receive the bill for our share of the maintenance cost. Also, in connection with the point the Condos raised about reference to the speed hump, he changed that language to make which speed bump we're talking about a little more clear.

The MHPOA is satisfied with this new addendum and the collaborative effort by all. Procedurally, we are ready to approve the agreement, draft a resolution showing our association's approval of the addendum, and putting our President's signature on the document to be recorded once your Association president does the same.

Once the addendum is approved, both parties will sign and the addendum will be recorded with the Yavapai Counties Office of the Recorder. The meeting adjourned at 11:10 a.m.