

Magnolia Terrace HOA
Board Member Meeting
April 27th, 2020
HOA Special Meeting (Closed)
Conference Call Meeting with Lawyer Anita

Minutes

Phone Conference meeting at 9:00 a.m. with Anita Geraci-Carver, counsel to the Magnolia Terrace HOA.

Quorum present as board members Candi Keys, Bert Hayne and Carolyn Thompson were all on the conference call.

Pre-suit Action Items:

- Anita began the discussion with how the board of directors want to proceed with the presuit mediation. Anita stated the reasons are proper with the issues being raised. Also stated that this type of mediation is required by the State to settle disputes prior to homeowner filing a lawsuit. To keep legal charges to a minimum, the board members unanimously voted to move forward with the mediation process.
- Anita went over the presuit demands/concerns:
 - Tree trimming in Phase 1. Possible title search and see if a landscape easement was ever granted. Regarding Phase 2, also have to check with plat/ buffer, where the property line ends and check easement.
 - Concerned that the board listed recommended services on the HOA website. We should have not used the term “recommended”.
 - The HOA newsletter that was sent out regarding pressure washing. We should NOT have included the curbs because they are owned by the town.
 - Although the board did formally vote to set the assessment at \$400 annually in the meeting, it did not properly record the motion in the minutes. (Anita advised that if we are discussing assessments, it needs to be listed on the Agenda and added to the meeting notice. The HOA Board meeting minutes should reflect that the board formally voted and approved the change.)
 - Homeowner alleges that the current board was showing favoritism because they did not follow through on an action which was voted on just prior to the 2019 change in HOA board leadership. (Although most of the new board was not aware of the violations because current members were not on the board at the time, the President who continued in that position had in fact voted to move forward with the fine. Also the new Vice President was head of the Fine Committee at that time and was notified of the fine action. Both this President and V.P., resigned last month, however, the remaining board members must answer to these charges. Anita recommended that since we are now aware and

even though these violations occurred last year, the board should move forward with the fine process as best they can.)

- The Treasurer did not post the 2020 Annual Budget per the schedule outlined in the Covenants.
- Based on Anita's recommendation, we chose a mediator from the list presented to us by the homeowner and his counsel.
- Anita will contact homeowner's counsel via the process outlined in the presuit mediation paperwork and let us know when we are scheduled to begin the process.

Conference Call Meeting adjourned at 10:10am