

Emergency Board Meeting Minutes – Tuesday October 1, 2013 Auburn Hills Swimming Facility Master Association (AHSFMA)

Board Members Present:

Sarah Funke – Treasurer (Director at Large)

Linda Flick – Secretary (Representative for Stoneleigh)

Sara Kepley – Director at Large (President of Legends/Meadows)

Ryan Nall – Director at Large

Dan Withers – Director at Large

Vacant – Ironwood (filled with additional Director at Large at January 2013 Member meeting)

Board Member Absent:

John Oborny – President (President of Enclave)

Tim Clark – Representative for Fairways

Call to order at 7:00 p.m.

Purpose of this Emergency Meeting

Meeting was called by Board Members in response to a notification received by account 22640 attorney on October 1, 2013.

The following are the facts regarding unpaid dues, fees and penalties owed to the Association by account 22640.

- Records show West Wichita Development deeded lot 9, Block A of the Auburn Hills 11th addition to account 22640 trust in May 2004.
- Article II, 2.1 of the Declaration (AHSFMA) which was registered with Sedgwick County on 08-25-2000, states: All Lot Owners shall, upon becoming such, be deemed automatically to have become Members, and there shall be no other qualification for membership.
- Article IV, 4.5 states: The Board and its representatives shall have the sole authority to collect and enforce the collection of all general and special assessments provided for in this Declaration (AHSFMA), and may, in addition to such assessments, charge and assess costs, including reasonable attorneys' fees, and penalties and interest for the late payment or nonpayment thereof.
- Owner has been given multiple notification of past due fees
- Owner has paid 2011, 2012, 2013 dues but ignored past basic dues, penalties and interest on late payment or non-payment from 2004 to 2010.
- Board approved at the March 11, 2013, Board meeting to authorize CCM Enterprises to send this account to their attorney for further action.
- Member's attorney filed with the court stating that the defendant denies that he is indebted to plaintiff in the amount or to the extent stated in the Petition. His attorney is also asking the court to remove all charges.

After a lengthy discussion and review of the facts by the Board Members present for this meeting a motion was made:

Motion: to authorize the CCM Enterprise attorney to negotiate an out of court settlement for no less than \$4,500.00.

Vote: Motion Approved Unanimously.

Resolve: It is documented that account 22640 ownership of this lot started in May 2004, which immediately deemed him a member of the Auburn Hills Master Swimming Association. The Board is entitled to collect, enforce the collections of dues and may assess costs for attorney fees, penalties and interest for the late payment or nonpayment. The Board believes the full petitioned amount is due to the pool association, however will negotiate settlement.

Meeting adjourned 7:45 p.m.