

**[Shield-O Terraces Homeowners' Association]**

**[Board of Directors Meeting August 29, 2006]**

**SOTHA board meeting 8.29.07**

**In attendance**

**Michael Brimm**

**Larry Leonatis**

**Eric Hansen**

**Michael Vernon**

**Kevin Michaelson**

**Tom DiCecco**

**Sallie via phone**

**7:36 meeting called to order**

**Sandy Holmes has concerns about being so aggressive with neighbors. She asked if the board would consider making compromises before we resorted to legal actions within a small neighborhood.**

**Review of collections-**

**Frei-She is a lot owner. The board became aware of her owning the lot last year; she was never billed before that- although her partner who she lives with has been billed every year. She has paid arrears- \$1100.**

**Tom has emailed her notices about intent to collect, which he confirms through outlook express return notice, she has not responded.**

**Fees on this case-**

**47.50 filing fee**

**½ legal consult- 112.50**

**6 hours prep time getting all the relevant docs. –challenge legality of SOTHA. \$200 case prep charge.**

**8 weeks response**

**Tom has relieved 1 adversary in nature phone call.**

**Discussion-**

**If she does not think she owes SOTHA her dues, why did she pay the \$1100?**

**All notices were sent to her mailing address.**

**She has had an attorney involved from her end. Tom gave her attorney all the appropriate documents to prove the legality of SOTHA's case proving that she owes the money.**

**Vote- all in favor of writing a letter to settle \$1100 paid +\$176 and be done**

**Unanimous vote yes**

**Lauricella- She paid in 1993. She has made no payment made since then. Bills have been sent. Last year bill was emailed and was mailed.**

**July 19<sup>th</sup> she paid \$1100. This was he dues only- (under the advise of council, this is beyond 6 year limit BUT her paying \$1100 starts the clock over again as is acknowledges her responsibilities of the debt.) No comment of lawyer on that. Her notice was sent with all the other notices approx 8 weeks ago. She owes \$2000 (up to November billing.) There was an accounting error where \$1450 was actually carried forward as \$1120-SOTHA will take \$330 hit. Oct 9 - July \$299 finance charge. \$1100- \$1200 finance charges. Association has right amount dues expired. Back to 93, can make payment to amount due. Still owes 2400**

**Add consulting fee August 16<sup>th</sup>.**

**\$4750-file fee**

**16 copying**

**\$200 filing fee**

**=\$2770.03 if court increase- witness time etc**

**\$176-court cost**

**\$920 past Associations**

**\$1675 in finance charges**

**Discussion**

**Nancy will convey to Lauricella we could do a comprimise-sept**

**If she will pay \$1385- settlement**

**-Will withdraw case**

**Sandy Holmes, Nancy Lowe and Katie Leonatis appose the possibility of road being paved.**

**Rosse-Terre- Tom has been receiving lip service. The emails exchanged started the 30 days clock ticking. They signed a tolling agreement. Give 30 days. Dana promised to start a payment plan. After 30 days we will file. She was going to pay half in 30 days and the rest in 90 days. She sent a check for \$970 by return mail. Receiving the**

**\$970 restarts the clock as it acknowledges the debt. The balance is 50% remaining- 50% in three installments. Essentially Tom has been getting a run around. He's waiting 30 days and then will file.**

**\$7,500- county court John Lasalet litigation attorney.**

**Connie Harvey-1985**

**\$7942.74**

**She has paid membership dues on her 2 lots; these are the county road assessment. She has only paid membership dues on 1 lot for some reason.**

**Connie asked at time of signing the tolling agreement if we would consider reducing her assessments since she is going to try to assign conservation easements to her lots. Larry Fite- County assessor-said all country taxes are due and collectible the year following the year the conservation easement declared. Then it is reduced by 80%. She can sell transfer development rights for each lot and get tremendous use tax right off.**

**We need to start on the collection process. There was discussion on Connie's conservation easement-this is a special case. Tom is going to discuss with Connie where she is on her conservation easements. Hopefully we will get a letter of intent about her putting her lots into conservation easements.**

**Bradke, Johnson and Stonywood-**

**Pave road- proposals to pave the road**

**1-\$120,000-\$140,000 with no improvement to road. From top of Bottom ¼ to past Holly Smith. Then Blue Sage to Ogier,'s drive. Casey CT to Brimm's driveway.**

**2-\$242,000 –scrap gravel, improve road and put down road base under pavement.**

**Old Pond- road base out to Myers \$12,000**

**\$7350- 34 homes... then only road association not homeowners association.**

**NO 28 to 30 homes**

**We spend \$12,000 each year for road maintenance.**

**Discussion- Lowes to Papenfus asphalt then up the hill from Sandy's as agreed, needs improvements. \$10,000.**

**Motion to spend \$10,000 on road approved.**

**Insurance- we need to get insurance for directors of SOTHA. Liability insurance should be mandatory. Quote coming to Tom shortly from an agent in Glenwood. The association will pay the dues for this.**

**Tom is working on getting all kiowa forms to date on the web page.**

**Can the listserver**

**Dumpster- easement? Tom will research and report via email.**

**Letter from Stonewood about non-use of easement.**

**Discussion-**

**They have not complained in 2 years.**

**Prescriptive easement not substantiated. Therefore for 24 years before BLM woke up and made the survey. Right of common usage. Colorado still has common usage laws. Letter was advising us we need permission. We have no idea who owns Stonewood trust. The Addendums which state that the association needs permission were not recorded.**

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**Garbage pickup-**

**Victor Gerdin and Buddy Myers talked. Victor said all Mesa residents take garbage to work. 2 Shane properties, Myers, Holly Smith=5 on that side that want garbage pick up.**

**Sandy doing books. Needs to communicate with board.**

**Motion to adjourn 9:54**

**Date for next meeting was not set.**

**[Sallie Shatz, Secretary]**