

# Minutes of August 8, 2013 Board Meeting

Minutes of the August 8, 2013 Board Meeting Pine Forest Property Owners Association

First National Bank, 489 Hwy. 71, Bastrop, Texas

Members: **John Clark**, Vice President                      **Robert Leffingwell**, Board Member

**John Gardner**, President    **Sue Lane McCulley**, Secretary

**Bill Haschke**, Treasurer    **Robert Potts**, Board Member

**Wayne Hulshof**, Board Member and ACC Chairman

**Note: Boldface of board members' names indicates attendance.**

Others present: Tom McCulley, Steve Martin, Wayne Hulshof, ACC Members, and approximately 16 others

**Item 1** of the Agenda: The meeting was called to order by Gardner at 7:05 PM.

**Item 2** of the Agenda: On a motion by Clark which was seconded by Haschke, the minutes of the June 13, 2013 meeting were approved as amended.

**Item 3** of the Agenda: Treasurer Haschke reported that JK Bookkeeping is setting up a credit account to hold funds from foreclosures in a separate account; the funds will be applied at the time of a sale. Goodwin is approximately a year behind in its posting of such funds. On a motion by Leffingwell, which was seconded by Clark, the treasurer's report was approved and filed for audit.

**Item 4** of the Agenda: Hulshof, as ACC Chairman, reported the following:

Permits for two new houses

Nine structures being built without permits

118 houses, fire survivors and rebuilds, in Units 7-12

Two violation letters have been sent; drop dead date is September 7, 2013

Waiting to hear back from the owner on Riverside about scraping his back yard

T. McCulley reported that a new lot owner who wishes to build received no information about PFPOA or the CCR's.

**Item 5A** of the Agenda: WCID sent a threatening letter to Vesselka law firm demanding that it disqualify itself from representing the City, County and BISD because of their conflicting interests with WCID which wants the deal to go forward and wants its proceeds from sale of lots to Plaintiff, although, curiously, it is attempting to accomplish that objective by removing itself from the suit. Vesselka canceled its fee collection agreement with WCID as a result of that letter. Because of WCID's attempt to withdraw from the suit, PFPOA is no longer cooperating with WCID.

**Item 5B** of the Agenda: The subdivision sign on McAllister is complete. There is no electricity to light up the sign, but the conduit has been installed.

**Item 5C** of the Agenda: Plat maps of Unit 6 were put up with marks showing current homes, homesteaded lots, lots Pine Forest Investment Group is intending to purchase, and unbuildable lots. Unit 6 home owners are exempt from road/utility assessments under the developer's plan. One homeowner wants that exemption clearly stated in the CCR's but Gardner pointed out that Article 3 does protect them. Furthermore, Gardner and Leffingwell assured the audience that no lot will be assessed unless infrastructure is built that will provide that lot with road access and utility connections. If the developer decides not to build infrastructure for a street, none of the lots will be assessed. PFIG is purchasing 400 lots, 275 of which make good economic sense to develop. A clarification was made in reference to the eight-year time limit in the CCR's: The length of time may be less than eight years but not more. A question arose from the audience about the difference between vacant lots that have been homesteaded and those that have not. Gardner will research the question and report. The revised CCR's for Unit 6 will be voted on at the September 2013 meeting. Copies will be available on August 12 on the website and through a mail out.

**Item 6A** of the Agenda: JK Bookkeeping has asked for a \$5.00 per item fee for cleaning up Goodwin's foreclosure information on approximately 100 lots. Clark moved and S. McCulley seconded the motion that the JK Bookkeeping contract be amended to be pay this fee. Motion passed.

**Item 6B** of the Agenda: Clark moved and S. McCulley seconded to pay the process server fees of \$225, for cross complaint citation service, and reimburse Gardner for the 3<sup>rd</sup> Party Citation and filing fees in the mount of \$70.

**Item 6C** of the Agenda: To date, there have eight filings:

#1—June 14—PFIG v. the six entities for breach of contract

#2—July 1—PFPOA Answer joining in PFIG's prayer for relief

#3—July 3—BCWCID#2 Answer seeking dismissal of suit for lack of jurisdiction

#4—July 8—City, County, ESD #2, and BISD Answer seeking dismissal of suit for lack of jurisdiction

#5—July 13—PFPOA Motion to disqualify Vesselka law firm

#6—July 15—First PFPOA Supplemental Answer re the contract Breiland (Board President at that time) signed February 15, 2013

#7—July 31—PFPOA Third Party Petition for declaratory judgment against Veselka, Pape and Murray

#8—Aug 4—PFIG Second Amended Complaint, tortuous interference v. Pape, *et al.* as individuals

**Item 7** of the Agenda: The regular meeting was temporarily adjourned at 9:00 PM so that the Board could go into Executive Session.

**Item 8** of the Agenda: The regular meeting was adjourned at 9:50 PM.

Respectfully submitted,

Sue Lane McCulley, Secretary August 25, 2013