

CCEHA Board Meeting Minutes

June 13, 2009 9:00 am to 10:00 a.m.

Held at the Clubhouse

Call to Order: Meeting was called to order at 9:00 am by Kathleen Elmore, President. Board Members present: Kathleen Elmore, President; Ron Wolfe, Vice President; Pamela Gulbrandson, Secretary; Bruce Fletcher, Treasurer; Yenny van Dinter, Director and Phillip Swart, Director. Absent: Eleanor Fuller, Director.

Old Business:

- 5/24 Board Meeting Minutes were reviewed with a correction that was discovered. On the item of the letter from Scott Hulse PC, an EL Paso, TX Law Firm demanding payment, the amount due was captured as \$8836.64. This amount is \$28,724.72. Phil made the motion to accept the minutes as corrected. Ron seconded, Ron seconded and the vote was unanimous.
- Kathleen made an announcement that anyone that is still outstanding with their association dues may not participate in this meeting or others until they are in good standing.
- Request for special meeting that was tabled from last meeting - Don Ward had requested a special meeting to decide on what funds could be looked at for legal fees versus taking away from the approved budget. Cathy Ward renewed the request via email. Discussion followed - Ron is in favor of having the special meeting. Bruce clarified that we were planning on a town hall meeting and that a special meeting was different. Kathleen wants to have membership voices and votes in regard to using funds. The board is in favor of having the town hall and a special meeting. In order to have a special meeting, we have to set a record date no earlier than 30 days before the meeting, as well as mail the notice to all members in good standing at the minimum of 14 days in advance. Based upon what needs to be done, Saturday July 11th at the clubhouse looks to be a good date. Phil made motion to have the Town hall followed by the Special Meeting on July 11 at 8 a.m. here in the clubhouse. Yenny seconded and the vote was unanimous. Set up to an hour for the town hall meeting, followed by the special meeting.
 - Items for the Town Hall Meeting – set an agenda which for this purpose will have financial matters, billing from attorneys and actions taken. We will have rules, like everyone gets 2 minutes, must announce their name, etc.
 - Items for the Special Meeting – set the agenda to discuss and vote on granting the board the permission to use the funds from the Fidelity Investment Account if needed for legal fees. The approved 2009 budget had \$5000 for legal fees. With the presentation of the \$28,724.72 billing, and fees from Jennifer DeLaney addressing this, the legal fees are potentially \$33,000 and growing. A letter with a proxy form, the agenda and rules must be sent out no later than 14 days prior to the 11th of July, which is June 28th.

- Action items to get this done: Ron will do the agenda, Phil will make the rules document, Bruce will get the record date, Pamela will write the letter and proxy, and Yenny will do the mail out.
- Status of Taxes & Review of Financials from Tamara Hurt – Bruce reported that Tamara has had a death in her family and is out of state. She indicated to him that they are all but done and will contact him when she returns.
- Outstanding Membership Dues – Bruce shared that there are still 5 members that haven't paid. He proposes that we begin assessing interest dating back to April 1st and send their accounts to a collection agency. Ron stated that the bylaws require the board to do this and this is not a personal action, also our legal advice indicates that we can do this. Since the rate of interest is in the bylaws, Bruce made a motion to charge interest, Phil seconded and the vote was unanimous. Pamela motion to go forward with turning the accounts over to collection agency, Phil seconded, ayes were 5 with Phil opposed. Ayes have it. Bruce suggested posting names of the ones that haven't paid in the clubhouse. Phil made a suggestion that we post a notice that if you haven't paid, you aren't entitled to use the clubhouse. Bruce made a motion to post the notice, Ron seconded and the vote was unanimous. Bruce will make the notice and post by Monday the 15th.
- Painting of House Numbers on the curbs - Bruce checked with Police, Fire and City and they have no published standards, however suggested that they be 3 inches in height, black background with white letters that will reflect at night. Also that the numbers be on the face of the curve. He contacted one possible source; however they were charging \$50.00 per address. That seemed expensive so he didn't pursue it. No one else had any sources. Decision was that each homeowner can do it on their own if they want, following the city's suggestions.

New Business:

- Treasurer's Report – Bruce shared the Reconciliation Report from the Jean Garcia, Bookkeeper, as of 5/31/09 we have an ending balance of \$23, 596.88, after taking into consideration all checks written cleared and not cleared. Statement is posted in bulletin board at clubhouse. Fidelity Investment Account has an ending balance as of 5/31/09 of \$32,573.68 reflecting a gain of \$19.21. We will be getting the back up copies of the reconciliations from January 2009 and forward to place in the files here in the clubhouse. Bruce has a record of the transactions by line item impacting budget, if anyone wants to see this Bruce has a copy of this. Pamela motioned to accept the Treasurer's Report. Phil seconded and the vote was unanimous.
- Correspondence to/from Secretary – Pamela shared that she and Kathleen have received another certified letter dated June 4th from Scott Hulse PC law firm demanding the payment of \$28,724.72 by June 15th or the former board members “[Joe Tunis](#), [Shirley Wheeler](#), [Marc Diltz](#), [John Ewert](#), [Patty Salesses](#), [Betteanne Strauss](#) and [Donna Robbins](#)” will begin litigation. Bruce made a motion to scan this letter and include it with the minutes versus just inserting pertinent information. Yenny seconded, vote taken, Pamela voted nay, however the ayes have it. The scan copy of the letter is at the end of these minutes. Discussion for this will be under the update from Jennifer DeLaney. No other correspondence has been received or sent.

- Update from DeLaney - Kathleen updated that most of the board met with Jennifer Delaney on May 26 and that a plan was developed and we are proceeding with the plan. Bruce stated that the board is really trying to resolve this. We are taking additional steps as a board – scheduling the special meeting. Ron assured the community that we are moving forward. We wish to report to the membership – hence the July meeting.
- Town hall meeting - See notes under request for special meeting.
- Develop poster for association - Yenny will work with Ron to make a document that we can hang in the clubhouse to help people understand why we have an association. Ron said they won't deal in the theoretical, but what actually pertains to here. Pamela made a motion to accept this, Bruce seconded, and vote was unanimous.
- Set up Networking with Other Homeowner's Associations - Ron is trying to set up a meeting with at least one other association to see how they are dealing with common issues, like how the city is working with them on alleys, streets and such. It would be good to talk this over and feel that it would help us all. Ron asked if anyone knows names for other associations. If we find out any, let the board know. Power in numbers.
- Committee's report out
 - Yearbook committee – No progress as Phil Swart shared they aren't sure about funds and he has been out of town a lot.
 - Architectural – Bruce Fletcher said they had a request for flag pole was approved. He has had input that one piece of property has weeds out of control and a boat trailer on backyard. This is a renter, so he has contacted the owner, who said this will be taken care of immediately. The weeds behind the clubhouse, he contacted Border Pest Control who sent someone to pull and spray the weeds. They will follow up with a broadcast spray.
 - Newsletter - Bob Rockwell said they are cranking them out and staying at the 4 page format to meet budget constraints. Also, people are contributing news which is great.
 - Welcome Committee – Lorraine Sanborn shared that they haven't had any new people. She asked if anyone knew of anyone to please let her know. Pamela told her that the new people on Fairway who purchased Sorg's house had the last name of Potter.
 - Activities committee – A new BBQ has been purchased and put together by Dennis Grier, Tim Wagner and Jess Hays. Thank you guys! Upcoming event for June is the Copper Creek Ranch on the 20th. Reservations will be made this coming week, so still time. July event will be a BBQ on the 4th – Saturday. Need to have people sign up so we know how many hamburgers and hot dogs to buy. The August event, a Beach Party will be put together by Deb Raynor. Leighanne is looking into a Border Foods tour for September. October will be a Halloween Party. November will be a potluck with a food drive for humans and pets. December – we are hoping to have a Christmas Party. Trying to mix and match events to stay within the budget. Kathleen asked about securing the new BBQ – it's very heavy. No ideas on how to do this. Facilities Committee didn't have

any ideas either. Still unresolved. Leighanne suggested that we get a cover for it. Activities Committee will discuss this. Marta Jackson asked if we had a chance to look into the antennae issue with the TV. It was suggested to ask Joe Sena to look at it. After the meeting, Dave Elmore hooked up the antennae and it works!! The listing of the stations we can get is taped to the TV stand. Thanks Dave!!

- Facilities committee – Dennis Grier shared that the Canasta Group called to say that the door was locked. People showed up, Pamela found a set of keys. Dennis now has a set of keys. He thinks that there is a set of keys floating around; we probably need to get these back. Dennis mentioned that the phone number is wrong on the listing. Pamela indicated she will get a new listing in the clubhouse. He replaced the striker on the back screen door so it works. Dennis discovered that the back door was not locked. **We need to be more diligent about locking the door. Security is really important.** Pamela asked if we need to put up a note reminding people to lock the doors. Dennis doesn't think that this is necessary. The front door handle is taped so only the keypad lock will work.
- By Laws Committee – Pam Fletcher shared that work is on hold.
- Next Board Meeting – was scheduled for July 16th. Conflicts so next meeting will be July 23rd 6:30 p.m.
- Adjournment – Phil motioned we adjourn, Bruce seconded, ayes have it. Meeting adjourned at 10:00 a.m.

Respectively Submitted,

Pamela Gulbrandson

CCEHA Secretary

ScottHulse PC
ATTORNEYS AT LAW

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OFFICES IN EL PASO AND LAS CRUCES

June 4, 2009

Country Club Estates Homeowners Association, Inc.
c/o Ms. Kathleen Elmore, President
3209 Wedge Road, S.E.
Deming, New Mexico 88030

Country Club Estates Homeowners Association, Inc.
c/o Ms. Pamela Gulbrandson, Secretary
3209 Wedge Road, S.E.
Deming, New Mexico 88030

Re: Indemnity of attorneys' fees incurred by former members of the Board of Directors of the Country Club Estates Homeowners Association, Inc.

Dear Ms. Elmore and Ms. Gulbrandson:

As you know, this firm represents Joe Tunis, Shirley Wheeler, Marc Diltz, John Ewert, Patty Salesses, Betteanne Strauss, and Donna Robbins, former members of the Board of Directors (collectively, the "Former Board Members") of Country Club Estates Homeowners Association, Inc. ("CCEHA") in connection with certain claims for indemnity that the Former Board Members have against CCEHA.

We wrote to you on April 23, 2009 advising you of the nature and amount of these claims. It has now been over thirty (30) days, and we have yet to receive payment by CCEHA of the \$28,724.72 in attorney's fees that the Former Board Members are entitled to be reimbursed under the terms of the CCEHA Bylaws.

You are hereby advised that if full payment of the foregoing amount in the form of a cashier's check or money order is not received in this office by June 15, 2009, the Former Board Members will file suit and proceed with litigation.

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