

Board Computer - Mult Speakers

Good evening, everyone. Welcome to this public session of your homeowners association board. Please note that we will be recording you today so that we can keep minutes of the meeting. But please also note that you should not be recording yourselves because Pennsylvania has laws about that. We can record this to keep meeting minutes for the association. Please don't record your friends, family and neighbors as they're speaking and anyone else. And otherwise, we look forward to having a good, informative and hopefully orderly meeting. And with that being said, I will turn it over to our president.

Board Computer - Mult Speakers

So we're going to start with the Potting.

Board Computer - Mult Speakers

Roll call.

Board Computer - Mult Speakers

Erin Connolly. Here.

Board Computer - Mult Speakers

Chris.

Second Speaker

Chris.

Board Computer - Mult Speakers

Tracy. Aida, Tatiana, Karen.

Second Speaker

Here.

Board Computer - Mult Speakers

Attorney James Baranko here. And second Attorney James Baranko James Baranko.

Board Computer - Mult Speakers

And I require all people on. I think they should be told that they're on. Yeah, they're board members on it. Okay.

Board Computer - Mult Speakers

Quail Hollow.

Second Speaker

Oh, Lena Lane is here. Present.

Board Computer - Mult Speakers

Kevin?

Board Computer - Mult Speakers

Perfect.

Board Computer - Mult Speakers

I. I'm here.

Board Computer - Mult Speakers

Okay. And then that's. That's all we're doing for today, right, Karen? Okay, so now we're going to go into the questions. So I'm going to remind everybody it's very difficult for the transcript to handle multiple people talking at one time. So if we can limit it just so we. That way the people who can't make it today can hear it again. So if we can just try to pace ourselves and talk clearly and loudly, the lawyers are going to stay behind because last time when they walked in front and projected forward, some of the words got a little mumbled. So this way we're. We're learning from last time and we're trying to improve. So without further ado, thank you, whoever wants to go first.

Board Computer - Mult Speakers

All right. Would you like us to talk about the community questions?

Board Computer - Mult Speakers

Yeah, I think. I think starting there. So we did have people that had questions ahead of time, and then we'll start with those.

Board Computer - Mult Speakers

Okay, well, we have. We did have a few questions ahead of time. I want to point out initially with regards to some of those questions, there were questions about what did the Attorney James Baranko James Baranko say to the board members and Wang and things of that nature. Unfortunately, I can't answer any of those questions for you because those communications would be confidential, Attorney James Baranko James Baranko client communications. And I can't just divulge those. The crowd. I understand your concerns and your interest, and I hope I can try to answer some of those questions for you today that I can answer. So, a few things. The reason that we're here is that we have a set of covenants. These are documents that are recorded in your chain of title.

Board Computer - Mult Speakers

That is to say, if you were to take your deed today and you were to go back to the deed before that, and keep on going until you got the original developer, you'd have what's called the Declaration. The Declaration is a master document that explains how all the properties in the community are supposed to be used. That master document has a provision in it that says that declaration will terminate in 40 years. And that declaration was passed and recorded in May of 1985 or thereabouts. And so we're coming up on May of 2025.

Board Computer - Mult Speakers

40 years have gone by and now we have a set of comments under the Declaration that will automatically terminate unless, according to the provisions of that declaration, we approve as a community, by a two thirds vote of the owners, the continuation of that declaration. So that's what's there right now. As for what would happen if certain votes came in, I did have some questions about that. I'm happy to opine on that. Everyone has noted, I'm sure, on their ballots, that there is a possibility to vote for the community declaration and a possibility to vote for the Master declaration. And if you vote no for the community declaration, if a lot of people voted now, enough people to say that they didn't want the community declaration anymore, in theory, that could go and you could still pass the Master Declaration.

Board Computer - Mult Speakers

But I will point out that if the regular declaration is not approved, then by the terms in the community declaration, it says that it continues to run until such time as the declaration, what it refers to, as the phrase it uses to refer to the Master declaration, until the time that terminates. So if you just vote for your community declaration and not for the full declaration, you're not going to have any covenants at all. You're not going to have any declaration. So I would recommend that if you want to have these declarations in place, that you do vote for both. Ideally, I'll point out that if those votes do not come in an amount sufficient to continue the covenants, then we would have a situation where there are no covenants whatsoever, there's no declaration. What does that mean for you?

Board Computer - Mult Speakers

While you're still property owners in a Community with a recorded plaque. That means a lot of lots that has the roads connected to them. And under common law, that means case law. Okay? It's developed over time. There have been multiple determinations that as long as you have a property abutting a private road, which is what these are, you'll have an easement right to ingress and egress to your lot that will remain. You will also have a common law obligation to pay for your pro rata share of the maintenance of the roads. That's not quite the same thing as you have now because now you're getting an assessment by the homeowners association for maintaining a lot of amenities. Your obligation would be to maintain the easements and you would get billed for your pro rata share of that.

Board Computer - Mult Speakers

There would be some changes to how that would be collected as opposed to just being a bill that would sit there. You probably get sued if you didn't pay it.

Board Computer - Mult Speakers

In theory.

Board Computer - Mult Speakers

The other issue that would come up if the declaration is not passed is that your rights to access all of these amenities and your obligation also to maintain the amenities, which obligation the association relies upon to maintain this beautiful lake and everything else that you have here would no longer be in play, which would be obviously a huge loss to the community. Especially as we're coming up in the summer. I'm sure everyone would like to be able to enjoy the lake, but there will be some severe potential limitations and issues with that if the declaration wasn't continued. The biggest thing I could think of would be that there may be insurability issues with regards to the lake. There would certainly be issues with getting the maintenance cost to maintain things. There are a lot of possible negatives if the vote doesn't pass.

Board Computer - Mult Speakers

As far as what would happen ultimately if there was a situation where the vote did not pass, I will say that it is a homeowner's association that would still exist. It would not have necessarily all the same powers that would have. The declaration was still in play and it might end up having to wrap itself up or go into a receivership. And that's where the nonprofit corporation model come into play. There are some protections that say we'd have to go to a non profit interest to benefit the same individuals that the association was intended to benefit. So I wouldn't anticipate that. If, even if the Attorney James Baranko General is looking at taking over the association's properties and figuring out what to do with it, I wouldn't anticipate him selling it off necessarily to a private party. If that could be avoided.

Board Computer - Mult Speakers

Obviously, a lot of that depends on how and if this property can be maintained. So that sums up my sort of synopsis for all the major questions I had. I know I could answer. And would you like me to take additional questions at this time?

Board Computer - Mult Speakers

I think. Did you get any specific answers to Rogers before we open? I don't know if you had a chance to get them specifically.

Board Computer - Mult Speakers

Well, I think, yeah. Attorney James Baranko Randall, I agree with. If he can't have the community. The community one. Not the first, obviously the first declaration, but really it's going to come down to the election. I think. We gave a presentation last month as to what will happen if the covenants are renewed. The question is, how do you get them renewed? And that's where I think we're at. Yes.

Second Speaker

So I have a question. Everything expires and can the community not get together and create their own covenants and restrictions and put in their own money? Everybody be entitled to, you know, put in money just as we do today. Right. And move forward and pay our dues and cover the roads and all the other things.

Board Computer - Mult Speakers

Like you would have to get every homeowner, you'd have to get every person. You couldn't have one person hold out.

Second Speaker

However, if a person decides they don't want to be part of the poa, part of the community and all this stuff. Okay, what if they didn't have. They had no entitlement to the pool or the lake or anything else here. Just like if you don't pay your POA dues, why couldn't they just back off? And then the people who are actually participating in paying the fees and everything, why can't they just move forward?

Board Computer - Mult Speakers

It doesn't work like that.

Second Speaker

Why not?

Board Computer - Mult Speakers

Because you would have to get every owner 100 sign off with a new declaration. And if one person holds out, if they're not valid, well, that's a little.

Second Speaker

Unfair because, well, that's the law. But everything changes. Everything changes. There's always a loophole. We all know that. You know that as a church.

Board Computer - Mult Speakers

So to be clear, the reason there isn't a ready made loophole here is that property rights are constitutionally protected rights. They are held very high regard, particularly in the Commonwealth of Pennsylvania and placing obligations or providing rights to certain

individuals and excluding other individuals, the deed covenants that a person does not agree to is simply not upheld by the case law or by any interpretation of the court in this common law.

Second Speaker

Yeah, I guess the question I have is I was here when the original covenants went in. I never had a vote on those original ones. So that hundred percent threshold, is that something new or something that's coming?

Board Computer - Mult Speakers

You bought it subject to that when you bought your problem?

Second Speaker

No, no, there was. When I bought my property, there was no homeowners association.

Board Computer - Mult Speakers

The developers didn't turn over yet, but there were still covenants. Okay, so the covenants, when you bought that, those covenants were already attached to your property. When the homeowners association created the subdivision and created the. The PO created the whole property as a plan, unit, community development, they laid out certain lots, they created certain covenants. Now, until they solve a percentage of the loss, the homeowners association is not independent, and that's every community. So that the declare who is the developer controls it until it gets to a certain point and so many owners become. And then they take it over, and then those owners then create the homeowners association, have the election, so on and so forth. So when you bought it subject.

Second Speaker

So to clarify my understanding, then it was already in play. So when the homeowners association came in, it was literally. They'd hit that threshold. And the people that became the board at that point in time was what was probably put together and agreed by.

Board Computer - Mult Speakers

I can help you with this. Sorry, I think I understand the issue. So in your covenant, there is an obligation to join an association.

Board Computer - Mult Speakers

Okay?

Board Computer - Mult Speakers

So you don't need to have everyone agree to that. When the association is put in play, usually the developer is the first person who's the first board member controlling everyone

who goes on that board and votes for everyone. When the association starts up, you have no control over that, because that's already in your declaration. Over time, the developer, and that's certainly what happened here, turns it over to the homeowners and then they continue to do what they have to do as a homeowners association, because your covenant requires you to join the association, and because your covenants spell out what powers the association will have, even though that association wasn't formed at that time, you're still bound and obligated to join the association and to follow along with the rules and procedures that it lawfully promulgates.

Board Computer - Mult Speakers

So it's not really a matter of having to approve 100% of the association. It's because you purchased a lot already subject to a declaration. And if this terminates, then you have no declaration. So the only way to get everyone back into the same pot again is to have everyone agree. Because now you don't have one owner, which is what you have when you have the developer there, you have many elders and they all have their own problem. Yes, ma'am.

Second Speaker

So, Pam, I'm sorry, I do apologize.

Board Computer - Mult Speakers

I do have a couple questions.

Second Speaker

So if nobody wants again, it is your option to vote. Correct. And if you don't vote. Yes.

Board Computer - Mult Speakers

There's a 2/3 threshold based upon the number of interest. So it just means you don't reach. You're not counting towards the two thirds. If you don't vote, there needs to be two thirds. Affirmative votes.

Second Speaker

Not really what I'm asking. I'm sorry, but if this, the covenants and restrictions, everything becomes nullable if the, when this ends, anything that developer had put in effect comes is nullable.

Board Computer - Mult Speakers

Correct? Correct.

Second Speaker

Okay. So therefore the community can make a choice to group together and make a POA and pay their dues and move forward.

Board Computer - Mult Speakers

I'm sorry, I believe this should have been brought up months ago down to.

Board Computer - Mult Speakers

The last minute here next week. We got the votes have to be in.

Board Computer - Mult Speakers

Everybody, votes have to be in, got.

Board Computer - Mult Speakers

To be counted and it's kind of a rush thing. This could have been brought up six months ago.

Board Computer - Mult Speakers

Okay.

Board Computer - Mult Speakers

I understand your concern, sir. I can't speak to that because those were some of the questions I received about why this, that and then. But that's something that is something I'll be discussing probably the board. I see.

Board Computer - Mult Speakers

The board made those decisions.

Board Computer - Mult Speakers

Well, I'm not saying, I'm not saying to blame anyone.

Board Computer - Mult Speakers

They made the decision when to do it.

Board Computer - Mult Speakers

It might be not a legal question directed to the Attorney James Baranko James Baranko, to the board.

Board Computer - Mult Speakers

Yeah, I never realized that we bought our property three years ago.

Board Computer - Mult Speakers



I, you know, I go to closing.

Board Computer - Mult Speakers

Just like everybody sign the sign couple a month later. I mean, a month ago. Right. We get this notice that the restrictions.

Board Computer - Mult Speakers

And covenants are going to expire.

Board Computer - Mult Speakers

Hurry up.

Board Computer - Mult Speakers

Vote this way, vote that way. Signs are up, everything is going on. You know, this should have been brought up six months ago. Changes am.

Board Computer - Mult Speakers

Whatever. Yeah.

Board Computer - Mult Speakers

So unfortunately. So again, I joined the board last June and at that time, I don't. In my opinion, it wasn't clear. But again, the urgency came up in January when were discussing it. Unfortunately, in January we didn't have a board meeting to discuss it further. There was some miscommunications on a couple different ends and that's why we expedited the January meetings, help get that communication out there as soon as possible. But as well as get our ducks in a row to make sure were communicating as soon as Possible with the correct information. So we can't go backwards unfortunately.

Board Computer - Mult Speakers

And well, nobody has an issue with it.

Second Speaker

I think that's what a lot of people.

Board Computer - Mult Speakers

I apologize for not doing it earlier. That's all I can say.

Board Computer - Mult Speakers

Meetings every month.

Board Computer - Mult Speakers

And what I can say is once they are approved and we move forward, we are going to hire an external firm to take all the revisions that the advisory committee did and use those at the baseline to amend them moving forward. That is the goal is to update them to current state so they are not unclear and confusing. And so we have a path forward. That is the goal. And we will get a pricing from an external firm so we can budget it for next year and start the process. We do not have lead time or quote yet. We have been searching for that but right now we're focused on getting it forward so we can move forward. That's all I can say.

Board Computer - Mult Speakers

**\*\*Personal Employee information was stated, not part of covenant discussion\*\***

Board Computer - Mult Speakers

**\*\*Personal Employee information was stated, not part of covenant discussion\*\***

Board Computer - Mult Speakers

Let me. Let me sum up to. And just say that I understand that there might be some. Some ill sentiment there. But let's also keep in mind that we're here now and we just have to move forward as best we can. I'm going to go to you first, sir.

Second Speaker

Yeah. Thank you. So the question I had was originally I think the communication out and I don't know if maybe I misunderstood or if it was that there was an automatic renewal clause within the automatic termination. Okay, so it was a termination for some reason I thought I read language that said there was an automatic 10 year renewal that would kick into play. Where now recently it says a proposed 10 years. Why can't we just renew for two years and take two years to straighten this?

Board Computer - Mult Speakers

Legal documents don't allow it. That's the problem. What do the legal documents request by 2/3? Interest voting. You could extend it for 10 years. That's all they have.

Board Computer - Mult Speakers

We're not planning to wait 10 years to re. To change them. The plan is to update them and get them corrected. So then we have which.

Second Speaker

That is the plan when it comes to the amendments. What is the protocol and process for that?

Board Computer - Mult Speakers

Is.

Second Speaker

Is it the advisory committee and the board of directors or does that go to 2/3 of the vote of the.

Board Computer - Mult Speakers

So yes, go 2/3. But again when we redo everything. That is after this. So there will be time and now. That's right. If we extend it. When we extend it here. So it's 10 years or nothing. Those are the only options. 10 years or no. And then that 10 years gets us time and not be rushed and have a breath.

Board Computer - Mult Speakers

I think every city does one thing. Everybody would like to do whatever you guys want to do. The problem is we're bound by these legal documents that you can't only do. You can only do what they allow you to do. And unfortunately they're terribly written. They don't meet today's world. They don't even envision the community that became today. And you're stuck with that.

Second Speaker

Tell me about change.

Board Computer - Mult Speakers

But the way to do the change is renewed for 10 years.

Second Speaker

Why not one?

Board Computer - Mult Speakers

You can't wait if it be one. We give everybody. We give everybody option for one can't. That's the problem.

Board Computer - Mult Speakers

Right. So we wait till the last minute and the leverage is in your court.

Board Computer - Mult Speakers

No, it is. Yes, it is.

Board Computer - Mult Speakers

You know, now we don't have time to make changes.

Board Computer - Mult Speakers

Now it's going to be up to pretty strange. Be clear. This wasn't.

Board Computer - Mult Speakers

This was. This is not a. This is not. They're not getting any money because we waited to the end. They're not getting anything more. This. This is not costing anything more because we're doing this at the end.

Second Speaker

Well, this gentleman please. Because he's been.

Board Computer - Mult Speakers

I'm sorry. How do I feel? Last. Last meeting, two sets of declarations were voting on last meeting.

Board Computer - Mult Speakers

It was said that Quail Hollow has approximately 70% of the vote on the whole. Because that's the whole community declaration. Right. And so that in essence will pass if they vote for it. If they don't vote for it will fail.

Board Computer - Mult Speakers

So our votes really don't matter along those lines. Well, your votes might matter. All right. No, it can cut it in this case. You have to be real careful about this. Okay? I'm going to encourage you very strongly to vote if you want to keep this going. I'm going to tell you why the language in the covenants is not clear. Okay. It's not, it's not like these were drafted. These were, well drafted, very formally written documents in certain areas. And this termination provision is a great example because it's the only provision in the Covenants that has a particular formulation. It does for how you're supposed to count the votes. And to be honest with you, were just arguing a little bit.

Board Computer - Mult Speakers

We don't, we don't agree on how.

Board Computer - Mult Speakers

You count the votes because you can have two different Attorney James Baranko James Barankos looking at that document and seeing a different thing. But I'll tell you this. If my interpretation is correct, from the way I see it, okay. And I can make that argument if everyone here votes and Quail Hollow put their votes and then we have, we bring it to the court because there's a dispute about whether or not it passed. Okay. If it turns out that every owner is getting a vote here and it's not based on every single ownership interest,

that will cut down the number of total votes needed. And it might cut down the margin on the Quail Hollow side, too. And I'm not inclined to think the Quail Hollow will or won't vote. I can't really talk to that. I mean, you don't want. Consistently there.

Board Computer - Mult Speakers

Yeah, but, you know, but they have a majority vote. So if they voted yes and we rating 50% here from the community, I don't think that's. Here's the problem. If we don't know the answer. Wait a minute.

Board Computer - Mult Speakers

If we don't know that at this point in time, then, you know, how.

Board Computer - Mult Speakers

Do we know anything? See. Okay, I'll answer because I, I'm. Until three weeks ago, they didn't even know total amount of votes needed work.

Board Computer - Mult Speakers

In the community because they found out they were supposed to be for everybody on the deep.

Board Computer - Mult Speakers

So I still don't think that number.

Board Computer - Mult Speakers

Has been shared with everybody. How many votes is necessary, even for the hoa, the unit one portion of it.

Board Computer - Mult Speakers

So it's just a big mess.

Board Computer - Mult Speakers

Can we share that number?

Board Computer - Mult Speakers

We do have a number.

Board Computer - Mult Speakers

Can I, can I answer my. This is what we're. I have a Real problem that you're having an election. You don't know how many votes you need as a. Like, this should have been done before the ball went up. It's like we're in a presidential election. You know, who are

votes? Pennsylvania. Like, right. We're going to figure out election night if how many we get or how many New York gets or like, it doesn't. And Quail hall needs. They need. They seem to be determined how the board needs to determine how many votes everybody gets.

Board Computer - Mult Speakers

So. And just so everyone understands really quickly, because this can be very confusing when you have two Attorney James Baranko James Barankos, especially if they're going to have two different positions. Let's add some clarity to this.

Board Computer - Mult Speakers

It's not clear.

Board Computer - Mult Speakers

So you have. You have the homeowners association, which is where you're at now, board meeting for the homeowners association. I'm the solicitor for the homeowners association. Okay. For this. This group. But you have two different subgroups. Unit One, which is all the property owners that are not Quail Hollow Village. Okay. And then Quail Hollow Village Attorney James Baranko Rogers has been brought on as special counsel for Unit One. So he represents the interest of just the Unit One owners. I have to represent the interests of the board of the association and the association as a whole. So those are our two different perspectives. I just don't want to get them confused in case there's any interest, any issues there. But I do want to point out, sir, to your.

Board Computer - Mult Speakers

To your concern, we do have a number for Unit One, at least, and I believe Quail Hollow is working on getting that information over as of the end of this executive session. I know this is an ideal, but we're getting to the point where we'll have that info. And here's the kick. Here's the key thing for me. If it turns out that it's by. By owner, okay, and it turns out that Quail Hollow Villages Group or Crown Oil has a large share of these interests, then that might actually truncate the total number of votes on that side, making your vote all that much more important. Okay. And that's part of the lack of clarity in this company. So I'm really going to still encourage you very strongly.

Board Computer - Mult Speakers

But then I guess basically I want to say is, like, if we don't.

Board Computer - Mult Speakers

Know and it's a week until we're supposed to have these done and still nothing, isn't there some kind of extension that could be put into place for.

Board Computer - Mult Speakers

You know, four weeks until things are set? Because I agree with you, 100. I think you can't have an election. I know how many votes people have. I think the answer could be potentially the board is they have to vote. The Attorney James Baranko James Baranko Brand will go to court, ask the judge to give an injunction and extend it for like 90 days or whatever period of time until the court determines how many votes everybody gets. If you're a loser county judge, do you want to just have a thousand homeowners have no covenants and their properties become worthless? You could keep the status quo, which the case law says protecting the status quo is number one priority. Protecting the status quo is keep them in place until you figure out how many votes everybody gets. And you know, we both did that feature so bad for interest.

Board Computer - Mult Speakers

I read it 10 times and I can see where Attorney James Baranko James Baranko Brandon, you know his ideas. But I also, I then I put my. For common sense and thinking, well, he. If you look at word by word Doc, by God, he probably could be correct. The problem is you really think they want. If I have six people on my team, I get six boats and a little widow next door gets one because. Because she only has one person on the de. I mean, that makes no sense whatsoever when you think about. But if you read it totally without trying to interpret, that's could be what it says. So that's why I think that was my recommendation. So if the board of directors voted.

Board Computer - Mult Speakers

Yes, you could go to the judge.

Board Computer - Mult Speakers

And ask a declaratory judgment action, ask the judge to be clear how many votes everybody gets based and when a judge interpret these definitions that are. That are. That aren't very clear and then keep the status quo in place until that's done.

Board Computer - Mult Speakers

We have a plan and we're working in the plan very hard to try and not have to extend it. But we do have that provision and we put that timeline in place before the executive session ended. So it is. We do have a provision in place to put that extension in place that appealed to Attorney James Baranko James Baranko Brando's plan.

Board Computer - Mult Speakers

And what's that closest for all you people showing up in a courtroom, you really think the judge is going to tell you I'm going to make the property values worthless? No, they're going to keep the. They're going to give you the 90, whatever days they figure it out.

Board Computer - Mult Speakers

Well, the thing is, you have the.

Board Computer - Mult Speakers

90 days, then you could actually work.

Board Computer - Mult Speakers

On some of the changes.

Board Computer - Mult Speakers

So it does not give time to do the changes. It would just give us time to vote.

Board Computer - Mult Speakers

Let me provide as clear a review of this as I can. No Attorney James Baranko James Baranko can ever guarantee you success in A courtroom in litigation, you can go to the judge. You might not get it. In this particular case, we have a provision of a contract that terminates on its terms. We'll be asking the court to use its equity powers to set that aside. I don't know how a judge would necessarily move to act on that. I do know there's a deadline coming up. We should get the votes in whatever else we do and then we can worry about getting to that or trying to take some other Hail Mary play solution. But for now, I'm trying to follow those rules so we can at least have that good faith effort behind us if we have to go to the.

Board Computer - Mult Speakers

Judge and your board think quail, sort of an ultimate saying. We need to know how many votes you think you have by what you gave in a day. I mean, it has to go back to you, right? I mean.

Board Computer - Mult Speakers

Yes. April 5th.

Board Computer - Mult Speakers

So they have. Quail Hollow has till April 5th. And then they're going to come back and say how many votes they think they have. Then the board. The problem is you have six people on the board. They have three, you have three. So now even if you don't, how are you going to agree on the number of votes if there's a question? Because it'll be three.

Board Computer - Mult Speakers

Three.

Board Computer - Mult Speakers



And then now you're in the same situation you were in before. That's the problem. But that's the key. Any three. How many folks they have.

Board Computer - Mult Speakers

So I see two gentlemen back there. You, sir, you have that. You have the hat on. And then there's a man right behind you and Karen, he was coming to explain. Well, let's get, let's get.

Second Speaker

My tally as of yesterday was 1906. I still have a couple that are outstanding, but that's generally the ballpark number that we have.

Board Computer - Mult Speakers

The total amount.

Second Speaker

Total.

Board Computer - Mult Speakers

And that's if you take interest to.

Board Computer - Mult Speakers

See a husband and wife.

Board Computer - Mult Speakers

Are those valves all over everybody's hands?

Second Speaker

I mean, they've been mailed out.

Board Computer - Mult Speakers

My wife doesn't have.

Second Speaker

Yeah, I mean, it depends on what part of the Alphabet you're in. Say that again.

Board Computer - Mult Speakers

Joe, what would you say was outstanding on the 1906?

Second Speaker

I just have a couple more that I'm researching with Jill.

Board Computer - Mult Speakers

Okay.

Second Speaker

Okay. But that's generally the number that I'm at.

Board Computer - Mult Speakers

But that's assuming that interest means if a husband and wife are at a deed or five people. And that's not right.

Second Speaker

That's assuming that logic.

Board Computer - Mult Speakers

So we need  $2/3$  of that plus square hollows. Right,  $2/3$ .

Board Computer - Mult Speakers

So what you would do in theory is you would add in Quail Hollows, oats, you would add in Unit One's votes. You get a total number of votes. You would need two thirds of that. Go ahead. Sir, you had a question? Yes. This gentleman over here made a great.

Board Computer - Mult Speakers

Point three, about three months ago that we get this dumped on us.

Board Computer - Mult Speakers

You made a statement about we're not.

Board Computer - Mult Speakers

Looking to fight anybody and we're not.

Board Computer - Mult Speakers

Looking to blame anybody.

Board Computer - Mult Speakers

What we're looking for is leadership out of this board and when they wait three months, two months before to dump this on us. I'm trying. It's terrible leadership.

Board Computer - Mult Speakers

Chris, I applaud you for bringing it up in 24 or 23 or whatever.

Board Computer - Mult Speakers

And I would suggest, and I don't care who I offend and who I don't offend, but I would strongly suggest that anybody that's been on this board since 22, 23, 24 and didn't listen to him and didn't get this done beforehand, they should resign, like right now. I'm sure it's the same group and they should resign as well. Anybody that voted, that took Chris's advice and worked with him, fine and dandy, but anybody. Hold on.

Board Computer - Mult Speakers

One second. Would like to speak from Quail Hollow.

Second Speaker

Yes, do not. I have been on the Quail Hollow board and I do not remember and I. We can go back to the minutes. Chris never come to us and said we got this vote coming up, so. No, there ain't no way.

Board Computer - Mult Speakers

In the minutes, in the minutes of the advisory committee in 2022, 2023 mentioned that the covenants rep. Of 2025, you guys obviously did not read them. They were mentioned. And, and your job, you received those men. They were in the batches of documents that you received and you did not receive. I'm not going to argue with you. You have responsibility. Excuse me.

Board Computer - Mult Speakers

Okay, so, okay, so for right now, we're in this situation. We cannot go backwards. We're here to educate, to make sure we make a vote whichever way you choose to vote. So what I'm going to ask is everyone just try to ask the questions that we need to make an educated decision.

Board Computer - Mult Speakers

Okay, I've got. Hold on.

Board Computer - Mult Speakers

Please. You've been raising your hand for a long time.

Board Computer - Mult Speakers

I heard you just say specifically what the difference is between the two Attorney James Baranko James Barankos. Yes. Now my question that I had emailed was can somebody please tell the people what the exact differences are between voting for the Quail Hollow vote and voting.

Board Computer - Mult Speakers

For the Unit One?

Board Computer - Mult Speakers

What will be lost.

Board Computer - Mult Speakers

And what will not be lost if either one we're about to be here. That should be fairly easy. So the master covenants you lose. As Attorney James Baranko James Baranko he explained it pretty well that you lose the home. Basically it was a homeowner association. You have no funding but they still. They still own the property. But then how was the homeowner association paid to maintain a clubhouse? Maintain the way then you would. The roads would be easements. People would have to contribute. Somebody have to step up and actually start suing their neighbors for money. So that would be a disaster. Now if that's approved. But the second part, the community declarations aren't approved. You will use the land use restrictions like the architectural control committee that comes out and says the SEC is also.

Board Computer - Mult Speakers

In Wahala vote, isn't it?

Board Computer - Mult Speakers

Well here in the second part there's land use restriction. So in other words, there'd be no way to deflect control what people put on their properties. The Bottler township zoning orders would basically apply and where anything that is defined.

Board Computer - Mult Speakers

In the master covenant.

Board Computer - Mult Speakers

Right. But the community covenants are what enforced the.

Board Computer - Mult Speakers

So it's just the extended zoning on.

Board Computer - Mult Speakers

Top of you would just be part of BOA township zoning. And the bottom zoning though. Right you are. But that's. There's an overlay which would be. Which is the community declaration.

Board Computer - Mult Speakers

So when we say that the community declaration fails, we're not saying the roads are gone, the pool's gone, the lake is gone.

Board Computer - Mult Speakers

But we have.

Board Computer - Mult Speakers

Right this minute we have.

Board Computer - Mult Speakers

But you really lose your. You really lose your say as Unit one. And really, you know, and everybody's blaming this board, but it goes back to some what should have happened here. There should have been a. A board form for Unit one, which are the homeowners. Okay. They should have their own board because Quail hall has their own board. And then the two boards would have come together in the master board which would only interpret the community declaration or the. The covenants, the main covenants. And then the board that would have been formed by Unit One would have protected Unit One's interest like they had. They hired me to be the, you know, consultant to help RIP to Unit One. But the way it's set up, they're lucky they got the votes to do that because it's three.

Board Computer - Mult Speakers

Three.

Board Computer - Mult Speakers

Quail Hollow is three. There's three fails.

Board Computer - Mult Speakers

But the Quail Hollow version, the master classes, we basically lose the no big shutters and we don't have representation on the board.

Board Computer - Mult Speakers

But the board's still at the Association. How does the poster work? Is that explains the association would still exist.

Board Computer - Mult Speakers

We just would not have representation on it.

Board Computer - Mult Speakers

Well, you have to have it somehow. It's. How do you. Who determines who are you Would be.

Board Computer - Mult Speakers

The three board members.

Board Computer - Mult Speakers

But there's still going to be six. They'll still say Unit one gets three votes. But main covenants tell you that. That we get the main covenants ensure that unit one has representation.

Board Computer - Mult Speakers

Yeah, but unit two is also mentioned. So unit two doesn't exist.

Board Computer - Mult Speakers

One wouldn't exist also if it failed.

Board Computer - Mult Speakers

No, that's not.

Board Computer - Mult Speakers

That's not. You two actually agreed to be removed.

Second Speaker

Correct.

Board Computer - Mult Speakers

Right. So the way it works is this. If your community covenants are gone. Okay, Master. No, no, no.

Board Computer - Mult Speakers

That's not the matter.

Board Computer - Mult Speakers

That's just your local one.

Board Computer - Mult Speakers

Okay.

Board Computer - Mult Speakers

The one that controls things like how your house looks and things like that.

Board Computer - Mult Speakers

Okay.

Board Computer - Mult Speakers

If that one is gone. The master. The master declaration. All right, The Declaration of Covenants. The original one, that's still there. It still says you get to pick three delegates and send them there. Arguably you could create a new setup. You could create a new declaration for yourself if you wanted to, although that would take a lot of work. But you would have. You would have representation still on the board.

Board Computer - Mult Speakers

And I guess you'd have to go to court to get a court to appoint the three people. You probably have to get a judge to appoint the three members because there's no criteria how they're going to be appointed or fixed. So that's probably where you end up.

Board Computer - Mult Speakers

So finally I just wanted.

Board Computer - Mult Speakers

Yeah, June or July.

Board Computer - Mult Speakers

Was in July.

Board Computer - Mult Speakers

Yes, in 2017.

Board Computer - Mult Speakers

2017. Thank you.

Board Computer - Mult Speakers

Okay. I'd like to take a question if possible from someone who hasn't asked one yet, but has been trying. I know that we've been going around missing a lot of people.

Second Speaker

So this is directed to discuss. We're talking about SP and everything else. So with the plan, if we pass the covenants and the declarations are stated with the 10 year extension, the goal is we're not waiting until the 8th and 9th year to do the amendments. We're going to look at

those. So I have a couple of full questions. Number one, who is providing some other than the external firm who will be reviewing this? I'm assuming that's Attorney James Baranko James Barankos. I work on a board and I'm the president. I'm doing this right now with ours. So I know it's a long process.

Board Computer - Mult Speakers

Process.

Second Speaker

All right. So not only did you want your Attorney James Baranko James Baranko's advice, you want an advisory committee or there's a focus group that's also going on and you know, are you taking recommendations or not even suggestions from other people to change the, you know, change the amendments that we currently have?

Board Computer - Mult Speakers

Yeah. So the plan is honestly they need to be completely rewritten. They're just to edit something that's poorly written is almost impossible.

Second Speaker

I agree.

Board Computer - Mult Speakers

It's just almost a completely rewrite to what would make sense to how we function today. So finding a firm that agrees with that strategy would be my recommendation. And I believe what we've been looking for right now we've been primarily focused on what we need to get this back. So that is the. So again these are very high level strategies. We don't have any actionable items because we are very focused on today. Okay, so with that then the advisory committee would help kind of make sure that it's within what we need as well as the board and our Attorney James Baranko James Baranko. That would be the main focus group. And if there needs to be more, we can look at what we else we would need. The one challenge I find is and this is just if we get too many people, it does get it wrong.

Board Computer - Mult Speakers

So I think right now there's about 10 people on the advisory committee.

Board Computer - Mult Speakers

Seven or eight.

Board Computer - Mult Speakers

Okay. Seven or eight. Okay. Residents to kind of review, make sure it makes sense for how we live and how we function as a community. And then also the board as well as our own



personal. That's the general plan. I hope not to take more than two years to do the whole thing. But that would be the goal is to do not many updates, but one vote to update everything for again, two thirds majority.

Second Speaker

And that was the next part of my question that everyone understands this isn't an overnight process. This could take two. I mean this large amount.

Board Computer - Mult Speakers

Well, because yes, it also has and all of what they want. So there's a lot of negotiation that needs to happen. And it's not just what we need as an association, but it also needs to be both sides. So we understand and Lina has been very supportive and communicating on both sides of the board of what we need to do to make sure that what makes sense is how we need to function for the future of our association and not how we function today. We know we're messed up. The evidence are not written well. Nobody can really understand them going along.

Board Computer - Mult Speakers

With what Erin said. Whenever we reach a point with a document, it certainly would not be a draft that we put out for people to look at. Like it just wouldn't be whatever committee decided that they'd vote on it. I would think, I would think that a draft would go out that for the community to look at the draft and the comments.

Board Computer - Mult Speakers

Everything's being made like, okay, here's the next round. But it wouldn't be voted until everything's done.

Board Computer - Mult Speakers

Yes.

Board Computer - Mult Speakers

Because the voting process is very expensive just to be very upfront. It's very expensive to send all this stuff out and get the vote. So it would be more of a here's the update and then we're moving.

Second Speaker

Forward to the next round and how many members are allowed to be on the advisory committee and how can you.

Board Computer - Mult Speakers

Volunteer to pay that?

Board Computer - Mult Speakers

So open enrollment.

Second Speaker

Open enrollment.

Board Computer - Mult Speakers

Generally is in January for all the committees. And I believe we have, we added.

Board Computer - Mult Speakers

The committee, had administration put out a notice for people to join the advisory committee and we just added three. Three new members. We added three new members.

Board Computer - Mult Speakers

Yeah. So we try to keep the enrollments open to one period of the year to help make sure that the committees are the committee holistic and they don't have a lot of disruption. So it's usually in January but.

Board Computer - Mult Speakers

But somebody made a suggestion that there'd be a separate committee to do the. I think a separate committee to do the. The covenant, the whole thing. Maybe just a separate committee to work with.

Board Computer - Mult Speakers

So again, once we get to that phase, it might be helpful to actually hear how the Attorney James Baranko James Baranko that's going to actually rewrite these, how they have a suggestion. And that's where I don't want to say anything's firm. It's we have a high level plan. We know we need to have outside counsel to write this. We are definitely not qualified to rewrite them ourselves. And we want to make sure that we do this correctly and clearly so we don't run into a situation of any big oh my gosh.

Second Speaker

And it's going to be expensive.

Board Computer - Mult Speakers

I mean it's really important.

Board Computer - Mult Speakers

We need to make sure that we budget it and we don't want to do a special assessment or anything. So that's why we want to budget for next year. So with that, does that answer all of yours?

Board Computer - Mult Speakers

We have three.

Second Speaker

So besides the advisory committee, with the entire community then being made aware of any amendments or edits to the bylaws and they again would have to be voted on by right by two thirds.

Board Computer - Mult Speakers

So once. So those all the beats at the end though like so again, as chunks are ready, they'll be out there. But okay, this one's ready. But the vote won't be until everything's done with significant notice not 10 years.

Board Computer - Mult Speakers

Knowing the present board won't be in place when probably these are all done and ready to go. Is there anything we can place it legally to make a future board do what you want to do and get.

Board Computer - Mult Speakers

It out there for review?

Board Computer - Mult Speakers

I mean, is there anything legally put in writing, make future boards do what you say we want to do? Whichever is the right way to do?

Board Computer - Mult Speakers

Yeah, I'm on for two years. So you got this.

Board Computer - Mult Speakers

There is actually a solution. All right, so here's your solution. There is the right to, for property owners to amend and change things in this document. All you need is a petition of your owners who want to, you know, get together and say, look, here's X amount, which I think in this particular document is somewhere along 75 to 80%. You need a lot of people. But if you produce that, we'll say we want to have this meeting, bring a petition around, everybody together. Here are the changes we want made. If you all endorse that change, I just want to make sure future workers.

Board Computer - Mult Speakers

Yeah, 10 years and then everybody forget about it for nine and a half years and then come back against them. You know what I mean? The board could pass a resolution with dates and timelines when they want to do it, but that wouldn't stop a new board from coming in there changing. But they could do it. They could pass a resolution saying we're resolving them within two years, we're going to change the covenants that within six months we're going to have recommendations, a year, whatever. But it's just we need the timeline.

Board Computer - Mult Speakers

From the next person on what's feasible before we can say that timeline. And that's why I don't like commit to any timeline because I truly don't know how long a rewrite would take. I know it's not something can be done in three months, which is why we say we just have to do it at 10. But you have to take the 10.

Second Speaker

Years that cancel is in blood supply.

Board Computer - Mult Speakers

I know.

Board Computer - Mult Speakers

We know our number 1906, which is really 1258 is 2/3 of that. But. Hola, being on the call today, as my understand, they had a board meeting last week. Did they know their number yet? They won't.

Board Computer - Mult Speakers

Let's. Let's allow. I would, I would let.

Board Computer - Mult Speakers

Are you able to reply?

Board Computer - Mult Speakers

Okay.

Second Speaker

I'm having issues with my phone. I did not hear the question. I'm sorry.

Board Computer - Mult Speakers

That's okay. Lena, you want to rephrase it so.

Board Computer - Mult Speakers

She can hear it? Yeah. Lena, I. I'm up here asking. Yeah, I don't want to feel lost to the translation. Hi, Lena.

Second Speaker

I can.

Board Computer - Mult Speakers

I was asking, since we know Beach Mountain knows their number, 1906, we need 1258 to be two thirds. Do you happen to know your total number of votes that you have for Quail Hollow?

Second Speaker

Not at this point. No, I do not.

Board Computer - Mult Speakers

Okay. So can I ask you this also? Whether it was a thousand, two thousand, or three thousand? Since you own the ability and they are proxy votes, do you know how you'll be voting at this time?

Second Speaker

I am not at liberty to say because I do not know how the board will vote to vote.

Board Computer - Mult Speakers

Okay, thank you.

Board Computer - Mult Speakers

I want to clarify how Quail Hollow is structured.

Board Computer - Mult Speakers

Lena, there was a question that was presented to you. Would you like to clarify how Quail Hollow is structured?

Board Computer - Mult Speakers

My other question was. So you two differ on the interpretation. We understand that part.

Board Computer - Mult Speakers

What, the person.

Board Computer - Mult Speakers

Yeah, sorry. The company that is collecting our votes, what is their process and what are they being instructed to do as far as collecting a mail in? Okay. Eight newborns comes in. Do they have a checklist? Do they have my account number there?

Second Speaker

They'll have it by Friday, Nate.

Board Computer - Mult Speakers

Okay, bye.

Second Speaker

There's a deadline to set mail in. The balance is to postmark by March 31st.

Board Computer - Mult Speakers

Okay.

Second Speaker

So all I have to do is put the list that I have in order for them like I normally do in any election that we have, and I provide the list.

Board Computer - Mult Speakers

Okay. So April 9th is the last day to vote in person. Right. And they're gonna maybe have April 10th.

Second Speaker

The morning of April 10th, the auditor is going to come down and get the ballot box.

Board Computer - Mult Speakers

Okay.

Second Speaker

And take it back to J.H. Williams.

Board Computer - Mult Speakers

And do you know when that tally will begin?

Second Speaker

I would imagine a day or so after that depends on how many votes are in the box.

Board Computer - Mult Speakers

All right. And is there any way to get a list so they're going to check off Nate Newborn's vote? Nate Newborn's on this list. He voted. John Smith voted. No, he voted. And then there's going to be someone else that did not vote. Can we get that list?

Second Speaker

Yeah. I have an email into Joe Lenahan regarding that issue, because that's something Joe Mazzola and I discussed.

Board Computer - Mult Speakers

Okay.

Second Speaker

I don't believe legally. Legally, that we have the right to ask, did somebody vote and how did they vote? Sure. Okay. I do believe there's. I don't see any reason why they can't tell us if somebody didn't vote.

Board Computer - Mult Speakers

Right.

Second Speaker

That's a question that I posed to the auditor. Yeah, I'm just saying. Yeah. I'm just waiting on answer from Joe because he's going to have my checklist spreadsheet.

Board Computer - Mult Speakers

I just feel like we still have till May 1st. Is that possible? Right.

Board Computer - Mult Speakers

So that was to give us buffer, just to clarify. So.

Board Computer - Mult Speakers

Yeah. So we have to. May 1st to not, not go after the nose, but go after the people that didn't vote. Right. This person's on my street. I know they live in South Carolina now.

Board Computer - Mult Speakers

I get a hold of them, they.

Board Computer - Mult Speakers

Contact the board, they put their vote in. Right. Like we have 180 people in a group that are willing and ready to volunteer to go after the vote. People that don't vote. All right. And I feel like we could get us over the hump for the covenants or the declaration. Well, not, you know, Bill hall does.

Board Computer - Mult Speakers

Just Unit one.

Board Computer - Mult Speakers

Right. If we need to focus on that, then we can. Then we can do that because everybody.

Board Computer - Mult Speakers

Knows somebody and it gives a time.

Board Computer - Mult Speakers

To hurry up and get those votes in.

Board Computer - Mult Speakers

I just want to make sure. Can we talk about the notes listening? Because there is some rules about the door to door stuff and.

Second Speaker

All right.

Board Computer - Mult Speakers

You don't want to go door to door and try to compel people to vote a certain way. You don't want to. Voter intimidation. I think what you're talking about is if the. If the board were to have, say, an outreach committee or something like that and say, look, we didn't get your vote, would you like to vote? Here's a ballot. That type of thing. You would have people who want to volunteer for that. Is that I understand.

Board Computer - Mult Speakers

Yeah, yeah.

Board Computer - Mult Speakers

We wouldn't.

Board Computer - Mult Speakers

Yeah. Just.



Board Computer - Mult Speakers

An absolutely brilliant way to move forward.

Board Computer - Mult Speakers

Thank you.

Board Computer - Mult Speakers

Okay, ma'am, just two things.

Second Speaker

First, there was a difference between a POA and hoa.

Board Computer - Mult Speakers

Yeah.

Board Computer - Mult Speakers

Well, kind of. Yeah.

Second Speaker

An HOA is a little more tedious. They manage what color you can paint and say in your yard and all the other nonsense. Where a poa.

Board Computer - Mult Speakers

She's saying.

Board Computer - Mult Speakers

She's saying a property Owners association.

Board Computer - Mult Speakers

Homeowners in Pennsylvania. Those distinctions aren't really.

Board Computer - Mult Speakers

Right.

Board Computer - Mult Speakers

A big deal because we have the Uniform Plan Community act that defines every single homeowners or property owners association as a unit owners association. It doesn't really care to differentiate between those things. The only thing I would say is that if you end up in a development that doesn't have a joint association, you're not in one. You do

here. Okay. But if you have one that didn't have that call, then that would end up not being a union or associated with the upc. That'd be like a property owner or road association or something like that.

Second Speaker

Okay. I just thought maybe that a POA would better to kind of like govern over peacefully. Put a hollow and everything where they could kind of like be a little more like a mediator versus the hoa.

Board Computer - Mult Speakers

Well, there's no and how. How it ends up happening in or in fact you have a scenario where we don't get the votes, the declaration fails or you're talking about an amendment going into the future. There are two different possibilities there. I think if you do an amendment going into the future, you're still going to have an association that has both groups with a few changes. If you have. If you have a situation where the declaration fails, it's really not going to be up to anyone here as to what Quail Hollow does. They'll figure it out themselves.

Second Speaker

Okay. My other question is this. I wish that this meeting would have happened and weren't so pressured because my vote went in as no and I would like to rescind it because now I have information coming from people who know the law versus first, second, third and fourth hand legal information off of whatever system. So now how do I do that?

Board Computer - Mult Speakers

Well, if you wanted to change your vote, I'm not sure how. I assume that have to be a process in place with J.H. Williams. Do you have any thoughts on that? Karen, as the game has reached that.

Second Speaker

Nobody'S ever asked to change their votes.

Board Computer - Mult Speakers

We would have to. We would have. The board would have to reach out to them. Technically I can't reach out to them. Attorney James Barankos should be hands off on this. It really should just be the manager.

Second Speaker

I. I know. Okay, so I'll reach out to Joe Lennon here tomorrow and I can get.

Board Computer - Mult Speakers

You answer before the next question. Lena is ready her update just to clarify. So if we can just. Lena, if she. Okay, do you want to turn around? Lena, are you ready explain how our board structure works?

Second Speaker

Okay. Yes. We have a board of directors. Just like Beach Mountain Lakes has a board of directors. We will take all of this information and when we get everything from our Attorney James Baranko James Baranko who is we are paying to give us a recommendation, we will take it to them and they will tell us and we will vote on how we want to vote. It's not one person making a decision. It is a group of people.

Board Computer - Mult Speakers

So Lena, you. You three are a board and then you report to another board, correct?

Second Speaker

Correct.

Board Computer - Mult Speakers

We're.

Second Speaker

We're the designated appointees to represent Quail.

Board Computer - Mult Speakers

Hollow on your board.

Second Speaker

But we are. I am. Kevin. I don't think Kevin's on the board, but Jake. Me and Jake are on the board of directors for Quail Hollow. And Kevin, maybe. I can't remember. I'd have to go back and look at the minutes.

Board Computer - Mult Speakers

So I just wanted to make sure that everybody. It's not up to Lena to make this decision. It goes up to a higher group. This is why she can't be half.

Board Computer - Mult Speakers

How many people, how many people want Quail Hollow board?

Second Speaker

How many people are on the Quail Hollow board? There is four of us.

Board Computer - Mult Speakers

And you are one of them, correct?

Second Speaker

Correct.

Board Computer - Mult Speakers

And, and how about Kevin or Jake? Are they on the board?

Second Speaker

Jake. Jake is on the board. I am. Kevin, are you on the board? I think we voted you on the board. I'm not 100% positive, but I think we did. And if that's the case, then there's five of us. I mean, guys, I am not at my office. I don't have my information in front of me. And I'm old these days, so I.

Board Computer - Mult Speakers

Have to look at everything.

Board Computer - Mult Speakers

But you report to another board that is giving you direction.

Second Speaker

Exactly right. And where does that board get their votes from? That board alone is the only one that.

Board Computer - Mult Speakers

So, Lena, can you answer that? Would you have a question?

Second Speaker

Our board of directors is. Are given the right to vote on behalf of Quail Hollow owners in their best interest. We can sign contracts, we can sign checks, we can do whatever we need to do. Jake is our chief executive officer, but he also has to have the other board members to support him in our votes. So Jake nor I can tell you how the vote will go at this point in time. We are waiting on our Attorney James Baranko James Baranko's advice as your council had advised us to do. So basically, their Attorney James Baranko James Baranko is going to tell them to vote yes. They get 70% of that vote, or two thirds of the vote, and Kill.

Board Computer - Mult Speakers

House gets whatever they want on.

Second Speaker

That's what I'm hearing. Well, I, I, I didn't hear that. I mean, if that's what you heard, fine for you.

Board Computer - Mult Speakers

So just and again, to be clear, it's, I'm gonna reemphasize this as hard as I can because I really, truly believe it. Your votes are going to matter. They're going to matter for no other reason than this. You have two Attorney James Baranko James Barankos who don't have a clear consensus here on what this says because of how it was drafted. Okay. You have a court system that might end up making a decision because maybe Someone's going to fight it one way or another. No one knows. But your vote will matter because at the end of the day, it's going to be part of that calculus to decide how it should be interpreted. So I really am going to encourage you to vote, not treat this as well. If these people do it's all one brain. That's the end of it. Because you just.

Board Computer - Mult Speakers

You don't know. Okay?

Board Computer - Mult Speakers

Yeah, that. That's very important because maybe some homeowners will take Quail Hollow to court and try to get Quail Hollow votes invalidated. If they do and you people don't vote and according validates their votes, then the thing would fail. So we don't know what's going to happen.

Second Speaker

How do you get rid of Quail Hollow?

Board Computer - Mult Speakers

You got a bunch. You want to know the answer? You got a bunch of orders together. A bunch of orders together. Hire a lawyer and go to court. So divorce type 3.

Board Computer - Mult Speakers

3.

Board Computer - Mult Speakers

They can't do anything. It's quit all control. So you get a bunch of owners, hire private Attorney James Baranko James Baranko, go to court, go after. We're full time owners. That's the answer.

Board Computer - Mult Speakers

Excuse me one moment. Clarity.

Second Speaker

Okay, I have a question for all of you there. All of you there. Okay. I have a question. What do you. The owners of Beach Mountain Lakes, how do you want Quail Hollow to vote? You tell me and I will take that to the board when we go and have our meeting. How do you want us to vote?

Board Computer - Mult Speakers

Yes.

Board Computer - Mult Speakers

Everyone voted yes and they know. Just be clear.

Second Speaker

Did anyone vote?

Board Computer - Mult Speakers

No.

Board Computer - Mult Speakers

Okay. There was one dude in the back that voted now, Lynn. So there's people here. There was one now.

Second Speaker

Okay, I will share that with our board.

Board Computer - Mult Speakers

On the same page.

Board Computer - Mult Speakers

It's all positive. Real quick. Just to be clear, the association can. The association itself, this homeowners association, it's a three board. It's not going to ever be a situation where it's HOA versus Valhalla. Okay. It would end up having to be private Attorney James Baranko James Barankos versus whichever, whoever you wanted to do about it. Okay, just to be clear, go ahead. Sorry. You just said it's three and three.

Board Computer - Mult Speakers

But earlier when we were talking about the covenants and then you had one declaration, you said that if. That if the covenants would pass with Hollow and the declaration or fail from the unit one.

Board Computer - Mult Speakers

Okay.

Board Computer - Mult Speakers

Shutters and stuff like that, but then our board would be gone. Is that correct?

Board Computer - Mult Speakers

Yeah.

Board Computer - Mult Speakers

You still get three seats. We get three seats. So the current board here is that like how do we get those three seats? Is it are those three automatically put on that? Well that's. We said a judge would probably have to appoint people because there's no election process in place correctly.

Board Computer - Mult Speakers

We have.

Board Computer - Mult Speakers

Okay, so if the covenants passes declaration fails, do we still have administration? You would still. Yeah. And I mean my opinion is just my opinion and I'm speculating but you probably. Three board members for unilateral one would stay until a court or somebody remove them because they'll replace because there's no election process to remove anybody. So there would still be a board. There would still be. You know.

Board Computer - Mult Speakers

Yeah.

Board Computer - Mult Speakers

If you click dudes you have administration because you pay it. That's what you can't collect dudes, you can't. That's what I'm making sure is if the declaration and unit one fails and we have to. We have to put someone in those three seats while we don't have representation on those three seats and Quail Hollow change covenants they take a lot of actions at risk. If there was empty seats.

Board Computer - Mult Speakers

You're asking if the commuted and copy of scale the master declaration continue. That's correct. Okay. All right. So then in that situation where the community covenants fail. Exactly what we just said. There's no clear election process. There is about. There's a requirement to have three delegates from unit one on the board. So it has to be figured out probably using the non profit corporation law and legal principles to put the people on the board. That's. That's what.

Board Computer - Mult Speakers

Okay, what is the prop. What is the process to start the extension process. Try to extend that vote. We don't what the votes are. You mentioned the possibility of ext. Trying to extend. Trying to go to extend first question, second question to 12 will consent to an extension.

Board Computer - Mult Speakers

Yes, we already agree that we would. That they would extend but we're trying to get it done without the extension to. To reduce the risk of them saying.

Board Computer - Mult Speakers

No to the extent if you had a majority. Okay, I. A majority board could extend the state of the election that they're about to do the majority.

Second Speaker

Four.

Board Computer - Mult Speakers

Yes, you need four. So you got one you need. You need between beach mountains three and Quail almost three. Shouldn't that be. Shouldn't that be done. Shouldn't that be done before the result of the election to prevent. But you won't extend. It has to be done before once the results are in. You can't extend so that. So it has to be done before what day the date they're going to count the ballots was in March 9th.

Board Computer - Mult Speakers

April is when they start counting.

Board Computer - Mult Speakers

So basically April 9th is dropped by then or we have to go to extended by age.

Board Computer - Mult Speakers

Which is why the 6 is to drop that thing.

Board Computer - Mult Speakers



Because there is a high probability if the vote comes. No, because it's better to extend well you know than getting a no vote. And then you're in the no man's land.

Board Computer - Mult Speakers

Yeah.

Board Computer - Mult Speakers

So I think the extension is the safe play that it's not to count the vote. The counting the vote is not the same way here. The safe route here to prevent, to get the status quo on the ground. They're voting yes before that day and we determine the number of votes. I don't, I think at that point you gotta just, you have to go forward and just count does well always to consent on how many counties. I know the board hired the auditor the honors appointed. They make those determinations. Yeah, but with what method? Is it your method or your method?

Board Computer - Mult Speakers

Well, here's the thing. Hold on, hold on. The honors are independent, okay. Because the Uniform Plan Community act requires for these types of votes for it to be independently audited and counted. They're going to count the total number of votes. Most likely they're going to say how many yes, how many no. Okay. They're going to look at the total number of votes they could have had based on a list of all the. Probably of all the property owners. That data will come back to us. As far as people voted and who didn't vote. If there's a difference interpretation, here's the upside of doing it this way because we have everyone who voted.

Board Computer - Mult Speakers

If it turns out it is every owner, as it seems to literally say in the covenants, then we did it the right way and we at least have that information. If it turns out that it's based on some sort of interest or per lot thing or it's going to be reinterpreted in some way, then in that situation, we still had everyone voting. It's just that now you're going to have some votes not counted or counted twice. As long as you're getting along with your fellow property owners. Husband and wife are both saying yes and not one note one yes. That might be a scenario. But so long as we have what we expect to be pretty common sense results either way under either metric will have the information we need to make a determination. It has to go to court.

Board Computer - Mult Speakers

At least it will go to court with the information as to what the community wants to do. So, ma'am, I was going to get to you earlier.

Second Speaker

Is there any benefits To Quail Hollow voting.

Board Computer - Mult Speakers

Potentially there is. If you try to hold this out and get some sort of a concession to change something regarding them, but again.

Board Computer - Mult Speakers

The time it takes to change, they.

Board Computer - Mult Speakers

Can absolutely hold down and they can use it as lectures, correct, you guys? Absolutely. That's the scary part. Yeah, that's what I'm concerned about. Me personally, not the board or anything. I'm afraid they're going to come in, they're gonna. They're forced something against something. That's another argument. To delay the vote.

Board Computer - Mult Speakers

If we don't delay it's less time to change.

Board Computer - Mult Speakers

Just to not delay.

Board Computer - Mult Speakers

So let me. Let me make something really clear. The, the document we have, the covenant, it sets a clear date for when it terminates it term dates automatically if it's not reapproved. Okay. It's in the covenants. It's been recorded since 1985. The court might do something, but the contract is the contract. Equity follows the law. What that means is that the courts don't have the power to change the rule sets that everyone agrees to. So I don't know how a judge would turn out. They might say something like, well, things have changed. I can find some exception here. An argument could be made. Maybe that'll happen, maybe it won't. But if we at least do this before that deadline, we make sure we don't fault ourselves over that deadline. In case a court says no, you have to do it by then.

Board Computer - Mult Speakers

And that's the same, though he said, yes, that's safe for everybody. There's no risk. Right?

Board Computer - Mult Speakers

Exactly. Is there a process to revitalize covenants even after they expire? A process. So I'm not familiar off the top of my head with any way when you have something that says the declaration will terminate in its entirety, as opposed to provisional termination, like this section is going to go away and then you'll have to figure it out from there. That's. I've seen a few cases like that. That's a little bit more normal. This is the entirety of the deck. This is

everything in that declaration gone. And in that scenario, I'm not familiar with any way to bring it back and sort of accept it.

Board Computer - Mult Speakers

I thought there was a process that was specifically referred to as revitalization. So that was what?

Board Computer - Mult Speakers

Revitalization. So one thing to keep in mind here too, is that if this is a Uniform Plan Community act of control, but only to the extent of its retroactive provisions. Okay. Which is part of why we're doing this, because under the Uniform Plan Community Act, These days it would say if you put a, you know, language like this in your. Your covenants back when the act was passed, this wouldn't hold the cluster.

Board Computer - Mult Speakers

They would.

Board Computer - Mult Speakers

They would overwrite it. Okay, but this is before the act. So because it's before the act, you can't go retroactively and put things back in. I'm not familiar with the particular process that you're talking about, sir, but if that's part of the Uniform Planned Community act, it very likely wouldn't apply.

Board Computer - Mult Speakers

Yeah, as you said, it would have to be brought back as it was.

Board Computer - Mult Speakers

It cannot be improved in any way. Right. I'd have to look into that line of reasoning there, sir.

Second Speaker

I appreciate everybody. I would really like my vote to count, and my husband and I have two votes. I prefer the one vote we had.

Board Computer - Mult Speakers

Oh, I'm sorry.

Second Speaker

Three ways we're not leaving the house. But anyway. But I would like to have our vote count now. If our neighbor has six people on the deed and they vote no, then our three votes

are automatically thrown out. So I would like it if we could go back to the way we usually vote in each one, that each household gets one vote. So if you are going to the judge to extend for the 90 days, can you do it two for one and get him to look at this and give us. Ma'am, about how many votes?

Board Computer - Mult Speakers

No, you definitely could. You could ask him also how many votes Will Bauble has and how many balls each bird.

Board Computer - Mult Speakers

Certainly you can try that now. But I want to point something out just because I have this question myself. One lot, one vote was something a lot of people felt naturally about, by the way. I think that's a good system. One lot, one vote makes sense. Right. But the thing about. Is that one lot, one vote language that's in the bylaws. Okay, so the bylaws are the rules that control the homeowners association and how it does its votes for the delegates. Which is why you get that one lot, one vote process. It's actually a. I think section 3.9 is written there in the covenants. It doesn't. It doesn't say one lot, one vote. It says two thirds of the owners of the total interest were two thirds, where owners being the first thing, you know, modified by.

Board Computer - Mult Speakers

Of the interest owners means anyone with an interest, a fee, title fee, simple interest in the real estate, or a club membership in a campground or a timeshare. But thankfully, we don't have to worry about the club memberships. All those members are also reported by D so it's all fee simple, interest names on the deed. That's why I'm taking the position of interpreting it as it says two thirds of owners. Owners or anyone who has an interest fee central in the D. Ergo, we got to have these people. And that's why were at. Now we can certainly try them. Be happy to try anything if we have.

Second Speaker

Now, there's several builders building on lots here. How are they counting? Is indeed like they could be a multifaceted owner.

Board Computer - Mult Speakers

Right.

Board Computer - Mult Speakers

So you're saying there's a good question.

Board Computer - Mult Speakers

What if it's an LLC with 20 members?

Second Speaker

Right.

Board Computer - Mult Speakers

Do they all get a 20 votes? How you guys handle that? I don't know.

Board Computer - Mult Speakers

So that would be for Karen. Karen.

Second Speaker

I mean, builders are building for homeowners. So whoever's on the deed of that property, the builder's building for, we don't have anybody developing in here. Okay, so every lot in Beech Mountain is individually owned.

Board Computer - Mult Speakers

I don't think you understand the question. So if I own my property.

Second Speaker

That was her question.

Board Computer - Mult Speakers

If you own an LLC or corporation, does every share. Am I correct?

Second Speaker

Yes.

Board Computer - Mult Speakers

Does every shareholder, corporation, or every member of the LLC each get one vote or it's just the llc? The corporation get one vote.

Board Computer - Mult Speakers

When we did the searches, I do.

Second Speaker

But I mean the one guy, he said got an llc, but he registers as his personal name here, Luke Medica.

Board Computer - Mult Speakers

So they're grabbing more than one ending here. It's owned by an LLC or corporation.

Second Speaker

Not many.

Board Computer - Mult Speakers

There's got to be a lot. There's some.

Second Speaker

I mean, not many. I mean, I know the other place.

Board Computer - Mult Speakers

So even there aren't a lot of them.

Board Computer - Mult Speakers

But that's a good question to shareholders. Now that's why I think the interpretation is absurd.

Board Computer - Mult Speakers

Actually in this particular case, because the only record title holder is an LLC or a cup or a corporation, and because a legal entity like that is treated as a legal person, a singular legal person, however many brains that they have operating behind the scenes. I think that probably would be one person, one vote in that very particular case. That being said, I don't know if we have.

Second Speaker

We do.

Board Computer - Mult Speakers

Again, it depends on how the LLC is created.

Second Speaker

So how many lots over their buses from the stowing over 5%? Well, there's four, but one is 5pm.

Board Computer - Mult Speakers

I think there's about eight. There's three. Three.

Board Computer - Mult Speakers

There's four.

Second Speaker

I know, I just. And there's four. One is privately owned, three belong to BML. So I'm going to be a little warm about this, but can't since we all own if it belongs to Beach Mountain Lakes, each lot gets a vote, don't they? No, no. Association owned lots don't get a vote because. Well if you. If you use that logic that all the owners would at would own 1-1,265 of that property. So would Quail Hollows owners own 1 of 1 out of 7,600 whatever their number is. You gotta find a way out.

Board Computer - Mult Speakers

Let me explain. Carrie's right.

Second Speaker

And actually and I posed that question.

Board Computer - Mult Speakers

To you under the Uniform Plan Community act there is. There is a rule that says you cannot vote the association lots because they don't want the association to skew the votes of the property owners. That's the whole point.

Board Computer - Mult Speakers

If they had a lot of property control of the elections it might be question for again. But just we know 9th and 10th and a few days later we trial to know our count if you will. When did they plan to submit their.

Board Computer - Mult Speakers

We get to 50 and then that's.

Board Computer - Mult Speakers

That's.

Board Computer - Mult Speakers

That's their drop dead date for termination. And then they have time to.

Board Computer - Mult Speakers

They email the board or admin or we'll know they're put that out to us.

Board Computer - Mult Speakers

We are actively having conference calls to get that. So that's their drop dead date. The details of getting to that date and specific details after we are finalizing. We ran out of time.

Board Computer - Mult Speakers

We probably have to extend the election if they don't get back to April 5th because they're not gonna be ready by the night. But they're not going through the same firm. They don't have to go through the same. Yeah. For the same person.

Board Computer - Mult Speakers

Okay.

Second Speaker

Yeah.

Board Computer - Mult Speakers

Yes. We backed it out in updates. So there's enough time for everything to come in time.

Board Computer - Mult Speakers

But they'll actually have to be extended and then. Then there have to be determination if homeowners gonna take legal action or something. If they don't respond there's got to be something going on or board. The board's giving overseas dead box so they can't do anything thing. It would have to be a group of homeowners would have to go petition the court at that point. I didn't bring it but I can't do it anyway. But you really need to consider doing that like if they hold job that's your answer. And I say that in all honesty. Thank you.

Board Computer - Mult Speakers

Are there any other questions?

Second Speaker

I just want to thank everybody up there. I know this is a lot of time. So guys. Did they hang up? Is it over? I'm having a hard time hearing.

Board Computer - Mult Speakers

Yeah, I don't know.

Board Computer - Mult Speakers

All of a sudden, everything cut off.

Board Computer - Mult Speakers

I don't know.

Board Computer - Mult Speakers



Hung us up or what?

Second Speaker

Well, I'm gonna hang up, too, because I only got 45 left on my phone.

Board Computer - Mult Speakers

Yep, sounds like a plan.

Second Speaker

All right. Thank you, Jake, for everything you do.

Board Computer - Mult Speakers

Okay. No, well, thank you.

Board Computer - Mult Speakers

You're in the middle of all.

Board Computer - Mult Speakers

All right.

Board Computer - Mult Speakers

Oh, God. Bye.

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