

**SPECIAL LEGAL MEETING  
PRISTINE PLACE BOARD OF DIRECTORS  
OCTOBER 12, 2007**

**Those in attendance included: President, Gayle Davis, Vice President, Terry Ogden, Treasurer, Josh Villari, Director, Rob Starz, Management, Debra Perricone  
Absent: Sue Graham**

NOTE: The meeting was held at Franklin and Co. and was closed to the residents due to the legality issues. Those joining by phone were Richard Coln, Attorney for Pristine Place Home Owners Association and xxxxxxxx of xxxxxx Insurance Company.

**I. Letter from Belniak attorney.** A letter was received from the attorney for Belniak requesting a review of all official records of the association for the last seven years. They requested all minutes, financials and ACC documentation. They are scheduled for mediation on November 13 at 1:00. Debra will contact the attorney and make the records available.

**II. Invoice from Robert Tankel:** A bill for \$93.84 was received for a review of a quick claim deed and a corrected quick claim deed for common area property done on 6/26 by Richard Tankel, our attorney two years ago. No one is aware of what he did or who hired him. Debra will investigate.

**III. XXXXXX Insurance regarding volunteer exposure:** The insurance company has informed us that there is no coverage for injury to volunteers. They suggested workman's compensation policy with volunteer endorsements to insure them and protect the HOA. All of the workman's compensation carriers turned us down and we are not able to insure the volunteers to do anything other than light work i.e. setting up chairs at a meeting, serving food, pulling weeds. Prohibited under our policy are ladders, scaffolding, power tools, etc. In order to use them we would have to set up a reserve for them and assess every unit to cover the expense. Any contractor hired would have to verify insurance of at least \$1 million and verify workmans compensation.

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**At this point Richard joined the meeting by phone**

**IV. HOA Membership:** Membership in the HOA is established once the deed is recorded. A Board member has to be a member of the Association. A member is defined in Section IV page 2.

**V. Volunteers:** The association can get a waiver of liability from all of the volunteers waiving their rights to compensation from the insurance company and the Homeowners Association. The insurance representative joined the conference by phone and stated that they can still sue the association and the insurance company would not defend the case. That means that even if we prevailed in court with the waiver it would be very expensive to go through litigation and it would be the responsibility of the association to pay for litigation. It would also put us in jeopardy of ever getting

insurance from any company in the future. Josh made a motion that based on the information received from the attorney and the insurance company the volunteers can no longer do any work in the capacity in which they have been doing. They will have to do work in the capacity of the letter received from the insurance company which includes general duties; setting up chairs, pulling weeds, etc. Terry seconded the motion and it passed with a unanimous vote.

**VI. Letter to new Board:** The outgoing Board would like to write a letter recommending Franklin and Co. stay on as the management company and Richard stay on as the attorney of record. The letter would state the reasons. As long as there is nothing negative regarding other companies it will be fine. The association is currently in litigation with several residents and changing companies and attorneys would be costly with the research involved.

**VII. Dues increase:** The current Board has the right to do a budget with a 20% increase. They have to do what is right for the community. The new board can change the budget as long as there is a meeting notice sent 14 days prior to the change and can change in the mandatory reserves requires a member vote to change the reserves.

**VIII. Bolton Hill property:** Mr. Tankel has recused himself as counsel for Mr. Andrews due to a letter sent by our attorney for a conflict of interest. Mr. Tankel is forbidden by law to turn over any information he has from Pristine Place when he was our attorney. Mr. Andrews is again representing himself. He asked for a second 10 day extension and our attorney refused. It is in the hands of the Judge who will decide the next step.

**IX. Adjournment:** The meeting was adjourned at 4:00 pm.

Submitted by \_\_\_\_\_ Sue Graham, Secretary

Approved by: \_\_\_\_\_  
Gayle Davis, President Terry Ogden, Vice President

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Josh Vilardi, Treasurer

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Rob Starz, Director