

WEST FORK VILLAGE HOMEOWNERS ASSOCIATION
SPECIAL INFORMATIONAL/Q&A OWNERS MEETING
AUGUST 27, 2020

Attendees:

Board of Directors:

Matt Shewmon, President, #703
Mike Montoya, Vice President, #1002
Carrie Huenink, Treasurer, #103
Dottie DeMark, Secretary, #701
Michael Gantz, Voting Member, #310, #1101
Travis Ryan, Onsite Manager, #305

Owners Present:

Linda Barber, #101
Melinda Cronin, #112
Zulema Ryan, #305
Rick Bowden (via Zoom), #909
John Watts, #410
William Exner (via Zoom), #1106
Wendy McCoy, #1304
Leslie Exner (via Zoom), #1410
Pauline Tucker-Anderson, #1502
Janice Massey, #1502
Donna Mordini, #1509

Also Present (via Zoom):

Kelly McQueeney, Attorney for WFV, Altitude Law

The purpose of the meeting was to allow owners the opportunity to ask questions about the upcoming vote on the proposed merger of West Fork Village Condominium Homeowners Association and West Fork Village Garage Owners Association (the "Merger").

The meeting was held on the driveway in front of the WFV Clubhouse and began at 6:05 pm.

Travis Ryan welcomed the attendees and gave a brief overview of the Merger that is the issue that is currently being voted on. He advised attendees that completed ballots are due to be submitted to the office no later than October 19, 2020. Travis referenced the package that contained all documents relating to the Merger as well as a ballot, all of which had been mailed to all owners recently. Additional packages are available during this meeting, and completed ballots may be submitted to the Secretary at any time during this meeting. Travis advised that 67% of votes submitted by Condo Owners in favor of the Merger and 50% of the votes submitted by Garage Owners in favor of the Merger are required for the Merger to be passed.

Travis then introduced Kelly McQueeney, the attorney who had guided us through and prepared all of the documents pertaining to the Merger, and she was displayed on a monitor in front of the group via Zoom. Ms. McQueeney then gave a detailed explanation of the reason and process for the Merger and also went through each document, page by page, that Owners had received in their package pertaining to the Merger. She then opened the floor for questions from attendees.

Q&A Session (not verbatim but summarized):

Bill and Leslie Exeter (via ZOOM): 2 units – Will there be any affect on our monthly dues?

Kelly: There should not be a significant change in the dues that you are paying. The dues are still based on a budget for the common shared expenses. If you don't own a garage unit, then those expenses that were just allocated garages still stay solely allocated to garages. All the other shared expenses will follow the formulas in the Limited Amendment. The Class 1 and Class 2 issue, which will be phased out, should not impact your share of the expenses based on what has been done in the past. If you have some other increase in the budget, then that will affect everyone.

Bill: The purpose is to reduce the cost of management. Will the dues reflect that?

Kelly: I don't know if that's really going to be reflected in the budget. Travis and the Board have been managing this community as essentially working together already. Their documents are very similar. I don't know if you're going to see a significant decrease in management fees.

Bill: Like when we were assessed for hail damage, I'm assuming if there's hail damage to the garage units and you don't own a garage unit, then you won't be affected by that.

Kelly: There is discretion in there for the Association to determine what is of sole benefit to the garages and what is of sole benefit to the condo units. As far as your insurance policy goes, it depends on how you have structured it on a per building basis. Theoretically it could be allocated to just the garages. But I'm not familiar with how your insurance policy is currently structured.

Dottie, Secretary: I just wanted to make one thing perfectly clear. There will be no change to your monthly dues as a result of this Merger.

Kelly: One of the reasons we're doing this Merger is because you have been acting as if they were already merged. There was no point to have to maintain 2 separate boards, 2 separate associations, 2 separate records, separate governance policies. It's really just to simplify things.

RICK 909: We need to be careful making blanket statements that the dues will not increase because we still need to build a reserve. Over time expenses are going to go up so we need to follow those. The

dues won't increase specifically as a result of this merger, but we need to be careful to think that what we're saying is that dues will never increase. That's not realistic.

Kelly: That's a good distinction for me. Based on this Merger, there is no expectation that you're going to see any changes as to what has been done in the past.

Unidentified Questioner (UQ): How much annual dues do the garage owners pay on their garages and separate from what we pay as unit owners. The garage owners also pay an assessment annually. How much is that at this point?

Unidentified Answerer(UA): \$200 per year.

Jan Massey: How many non-unit owners are there and how many unit owners are there, and how many are owned by the Association, the garages?

TRAVIS: Off the top of my head, there are 7 non-owners.....inaudible. This isn't an exact number. How about I get the exact numbers for you? Is there any other question I can answer for you?

Jan: OK. How many garages are committed to non-owners?

Travis: I don't know. The ones that the Association owns?

Jan: No. How many are rented to non-owners?

TRAVIS: Of all the total, I don't know.

UQ: What common elements are exclusive to garages?

Kelly: According to your Declarations, the boundaries of your unit are defined as the air space within the interiors of the walls up to the unfinished surfaces...(inaudible). Everything outside that is either general common elements or (inaudible) common elements. The garages are structured the same way. They are considered condominium units. Everything on the exterior of those garage buildings are called common elements. That would be exclusive to those units.

UQ: Will the electricity meters used by the garages be figured into the general information as to what they owe?

Kelly: Section 15.1.6 of the Limited Amendment addresses electricity. Are the garages metered separately?

TRAVIS: They are metered individually but some of the meters are connected to the condo common elements, so it's kind of a gray area.

UQ: As to the garages, what are the shared expenses? Like paving of roadways. Is that figured into the shared expenses since garage owners have to travel over them to get to their unit?

Kelly: The Board is going to have to sit down and go through the shared expenses. But the way you're describing as far as the private roadways inside the community, I would say that is a shared expense.

UQ: For the past 14-15 years, the administration of the condos and the garages have been handled the same together. Why now are we having to do this because all along the HOA has been handling this.

Kelly: Technically we are 2 separate entities and under CCIOA and other statutes they have separate requirements that affect both communities and one of the benefits of merging is we don't have to duplicate the same requirements based on technicalities. An example was given. It's a cleanup issue to make things more efficient.

UQ: Can't the garages the management of their areas which I think is what actually happened and why the HOA Board is taking care of the garages.

Kelly: Again, I believe in the long term it would be more efficient and we don't have to worry about different budgets, different financials, and having duties going to 2 separate corporate entities.

Dottie: If we don't do this and the entire Board is now aware that this is what our documents say we should be doing, then we would have to possibly hire more people to do that work. I don't want to say that we were operating illegally but we weren't operating to the letter of our covenants. The attorneys discovered this.

Kelly: It came up when I was researching something else. I know it's a headache and a huge process and messy. The idea that if it does pass, going forward it will be easier to manage and hopefully keep the costs down.

TRAVIS: To answer one of Jan Massey's questions, there are 41 garage owners that own condos, 5 are non-condo owners, 7 are rented by the Association and 2 are used for maintenance. Any more questions.

UQ: How many garage board members will be on the resulting board?

TRAVIS: The garage board will be dissolved and the condo board will survive. Do we need to do anything to dissolve it?

Kelly: It will be automatic with the Merger plans.

UQ: Inaudible.

TRAVIS: She's asking about people renting the garages from the garage owners and they're rented out to non-residents. The question is can we do something about them now even though the Merger hasn't happened yet, like a violation notice?

Kelly: I would have to review your original documents to determine if that is a violation of the covenants.

Pauline: Do we have dibs on the owners to be a garage owner?

Travis: Yes. It's in our original documents and the Limited Amendment. Is that language going to change?

Kelly: No.

TRAVIS: It's section 2.2. He reads Section 2.2 and Section 16.3.

Wendy McCoy: What is happening with the 5 garage owners that don't own a condo?

Kelly: Rather than proceeding as a violation of the covenants, we created a temporary Class 2 membership into the documents. What we're saying is: you own a garage and you're still a member of the community and will share common expenses. But if you sell the unit or acquire a condominium unit, you will become a Class 1 member. Any enforcement issues beyond that is a Board issue.

TRAVIS: So after the Merger goes through, the Board can essentially send violation notices to them?

Kelly: Yes, it is a violation. To what degree the Board decides any further action, we need to discuss. If there are any more questions, please turn them over to Travis or the Board and they can email them to me if they desire.

TRAVIS: Thank you for joining us.

END OF Q&A Session.

Travis then reminded attendees that completed ballots could be submitted to the Secretary at this time, and the final deadline for submitting ballots is October 19, 2020.

The meeting ended at approximately 6:45 pm.

Respectfully submitted,

Dottie DeMark
Secretary