

Minutes from the January 12, 2008  
Meeting of Concerned Citizens of Hideaway Valley

Taken by Diane McCarthy (Lot A-50)

- Association lawyer has been authorized to make a settlement offer
- Settlement meeting will be scheduled by the 26<sup>th</sup> of January
- Fresh Start Petition—Plan B calling for a special meeting turned into the board Dec 26<sup>th</sup>
- Complete disclosure
  - Our attorney fee is \$7000 so far
  - We filed a petition and had to answer 3 countersuits (counter petition and 2 suits) and a member filed a collateral suit tagged onto the Concerned citizen's suit, so our attorney had 4 sets of documents to review and answer.
- will post laws on website at request of Tom Meyers
- new association laws have been introduced by the CAI to the legislature but no word on what's happening yet
- points of settlement
  - a) all complaints dismissed
  - b) all issues voted on
  - c) Jud is suing for HVPOA for \$250,000. We can not take a legal position on this as Concerned citizens are not named in his suit.
  - d) Parties are asked to enforce clean-up on 12 eyesore properties. We will support the new board on their decisions, but individual owners must retain their right to disagree. Mr. Meyers suggested that the standards should be set by the group and possibly have an interpretive resolution by attorneys for the covenants.
  - e) We spoke of setting up the hideaway pride committee and the Meyers suggested we include wildfire prevention in the Hideaway Pride Days. Karin Johnstone has volunteered to organize it for the first few years as she has done Sandy Pride Days since its inception.
  - f) In helping to collect the dues in arrears, our stand is not to collect current raised fees. We support the new board in what they decide.
  - g) we would all agree to association meeting schedule.
  - h) reasonable rules of order
  - i) they suggested the settlement meeting should be set within the next 60 days but our petition requires the board to set the date within 30 days (state law) and that will be by Jan 26<sup>th</sup>.
  - j) we will vote on:
    - status of the the association
    - retention of the property manager
    - by-laws, a committee to review and make suggestions for sound, clear by-laws
    - articles of incorporation (copies will be sent prior to settlement meeting)
    - election of a new board and if we want 5 or 7
    - allocation of payment to both attorney's
    - any other important issues
  - k) we ask that the Utah Dispute Resolution center in SLC chair the meeting
  - l) independent party will count votes and tally
  - m) parties agree to abide by vote

- n) all members will vote (Mr. Meyers said that any time a vote is on something that runs will the land, members should be allowed to vote whether they are paid up or not)
- o) essential services ONLY to continue until meeting (snow removal and trash—no manager)
- p) be polite
- q) mutual release waiver so all suits are dropped
- r) fair and organized notices and solicitation, no payment by association
- s) board asked for parties to pay their own attorney and we requested that it be voted on at the settlement meeting
- t) We should hear from the board by Jan 15 or we will proceed with the court action
- u) covenants cannot be changed until 2010 for lots A&B and 2015 for CDE
- v) other bylaws can be changed by board or property owners, these should be checked by a qualified attorney
- w) Declared candidates for new board are:  
Boyd Williams, Carl Winters, Bryan Cook, Kristin Hatch, Dustin McKinney, Christine Smith, Jim Taufer, Kathy Moyes, Roy Walker  
Candidates will post on the web site so members can ask them questions

#### Articles of Incorporation

Suggested amendments will be posted on the website

We will probably get 3 ways to vote on new incorporation:

As is

As is subject to above amendments

Accept corporation with original articles and amendments

Dustin McKinney went over documents that will be posted on the web site and we will vote on a documents committee to continue work on documents started by committee voted in Oct 27

Christine Smith went over the dues comparison sheet of other HOAs in Sanpete county.

Some others are paying only \$40-180 for same services

You should pay according to your interest in the association depending on if you get same services or not—snow removal, power, accessibility (reference to CC&Rs)

Current fees are the same as Utah county lots with are a lot more expensive and don't compare to Sanpete county

Cliff Johnson went over accounting issues

Billing statements are not accurate

Petition new board for an amnesty window to catch people up on back dues without penalties

--Tom Meyers suggested this issue should be added to the settlement agenda

Mailing addresses have not been updated and properties may be going into default because of lack of notices served

New board will need to address dues issues

Give credit if dues go down

Look for ways to manage the budget

Send out bids and look for local support

Judson Witham took the floor

Filed an interruption lawsuit against both groups

Feels he had been blackballed by both groups

Concerned for roads and accounting issues

On 12-26 the books were opened

Would not settle until audit is done

Christine asked if Jud is suing the board or the association

Jud answered he is suing individuals (current board) but didn't know how it would turn out

Jud also said he is declaring himself a candidate for the board

Meeting was adjourned by Shelly over Jud's articulations

Post Script. Jan 15, 2008 Judson Witham sent an email saying the minutes were inaccurate as taken by Diane McCarthy. He wrote:

**MUCH is LEFT OUT of these MINUTES they are Inaccurate and Incomplete !!**

**Judson Witham took the floor ( Judson Witham is a Duly Elected Member Of The Committee of 9 Document and By Laws Review Committee amongst other Things )**

Filed an interruption lawsuit against both groups - This IS NOT TRUE The Action is a Rule 24 Intervention, It's LAWFUL and I did NOT SUE the Grass Roots Folks ONLY the Home Owners Association and Those MEMBERS and CRONIES who have FALSELY Acused me of Trespassing and Carrying Guns and the many OTHER LIES they Cooked Up.

Feels he had been blackballed by both groups - This IS Not True, ONLY certain Grass Roots Folks that Interupt, Caste Character Aspersion and Untrue Attacks SUCH as the Minutes ADDED here.

Concerned for roads and accounting issues **Incomplete I was REPEATEDLY INTERRUPTED by Shelly Marshal and Her Supporters. I was PREVENTED by Ms. Marshals TACTICS from Speaking, SHE EVEN CLOSED THE MEETING ???**

**I want to KNOW who EXACTLY Voted Shelly and Bryan and Tom Meyers and the others the GRAND POOBAS - Where are those ELECTION RECORDS ???**

**Ms. Marshal SHUTTING DOWN THE MEETING is what the OTHER BOARD DOES when they want to AVOID Issues and Answering Questions !!**

On 12-26 the books were opened - **NOT TRUE, Nothing has been PRODUCED even at this Date. A Mere Promise to OPEN THE BOOKS has been TENDERED by Jim Blakesley as a result of WITAHM Hammering on the Issue.**

Would not settle until audit is done - **Full Audit and Protection of the Plat "A" Covenants are accomplished. There are so many AMMENITIES and ADDITIONS, New Programs and all sorts of other things LIKE Grass Roots Lawyers Fees getting paid BY US ALL, well those MUST First be FREELY DISCUSSED.**

**Christine asked if Jud is suing the board or the association**

Jud answered he is suing individuals (current "questionable probably ILLEGAL board") but didn't know how it would turn out

Jud also said he is declaring himself a candidate for the board

**Meeting was adjourned by Shelly over Jud's articulations - Inaccurate, Fabricated and Greatly Untrue - Shelly Interrupted, Refused to Stop and BY FIAT AND DECREE Declared the Meeting OVER long before this FALSE Minutes Entry. In FACT it was Ms. Marshall's Interruptions and Distractions that were the ONLY SOURCE of Problems. Mr. Bryan Cook was MISINFORMED and PROBABLY LIED TO, it was Shelly Marshall's REPEATED interruptions and efforts to CONTROL the Forum and CENSOR Witham that caused the Problems**

Post Post script:

In a follow-up email Judson Witham still did not like the minutes and wrote:

My Pointing Out Omissions and Inaccuracies resulted in **MORE in the Post Script.**

Judson Witham sent an email Jan 15, 2008 saying the minutes were inaccurate as taken by Diane McCarthy. **Yes This Is Very TRUE, But I DID NOT Claim Diane Did It , AGAIN I did NOT Claim Ms. McCarthy Did It - !!!**

**Come ON, NO the Diane McCarthy Minutes do NOT reflect Shelly's Interruptions NOR Shelly's Declaring the Meeting OVER when She tried to Censor and FRANKLY Shut Down My Efforts To Talk. Yes The Minutes are INCOMPLETE**

Diane McCarty took the minutes for the Concerned Citizen's meeting on Jan 12. Judson wrote that the minutes were inaccurate. He did not write that Diane McCarthy did anything.

Tuesday, February 26, 2008 The minutes should be amended as followed:

1. The minutes state: "Mr. Meyers suggested that the standards should be set by the group and possibly have an interpretive resolution by attorneys for the covenants." This is not accurate. I suggested that the community express their desires in a preliminary proposal for a possible interpretation of some aspect of the Declaration by consensus; and then always take the proposal to attorneys and ask them to prepare an interpretive resolution. This is intended to assure that the interpretation is fair, legal, and appropriate. The word "possibly" is the key inaccuracy - an interpretative resolution must "always" be obtained.

2. The minutes state: "Mr. Meyers said that any time a vote is on something that runs will the land, members should be allowed [sic]to vote whether they are paid up or not [sic]" I indicated that I thought that there had been court decisions to that effect; and that if they applied, they should be followed. I did not express an opinion about whether I thought unpaid-up members should or should not vote.

3. The minutes state: "I want to KNOW who EXACTLY Voted Shelly and Bryan and Tom Meyers and the others the GRAND POOBAS - Where are those ELECTION RECORDS ???" This statement is incomprehensible. I have been nominated from the floor and elected as a member of the committee to assist with the review of the governing documents. I have not been "voted" to anything else. I have consulted a dictionary and have not been able to determine what a "grand poobah" is; and I know that I have not been elected to such office.

Respectfully submitted, Tom Meyers