

Pawnee Hills Community Association

December 2006

Clubhouse Voice Mail/ Address/Website

(303) 646-0126
35644 Cheyenne Trail Elizabeth, CO 80107
www.pawneehillshoa.org

PHCA Board Members

President – Tina O'Bryan
Vice President - Pam Schultz
Board Member & Secretary – Walt Day
Board Members – Susan Laessig & Patty Sward
Treasurer – Sandy Perry
Facility Coordinator – Darren Jones
Assistant Facility Coordinator - Cynthia Cregger

Board of Director's Meeting

The next Board of Director's meeting will be held on **Thursday, December 14, 2006 at 7:00 PM** at the clubhouse located at 35644 Cheyenne Trail. The Board will be discussing the dues increase and the proposed budget for 2007 at this time.

Notice of Dues Increase

Effective January 1, 2007, the dues will be increased 5% going from \$43.05 to \$45.20. Your January 1, 2007 invoice will reflect the new increase.

SPECIAL MEETING REMINDER - YES- ONE MORE ATTEMPT AT A VOTE

A special meeting was held in October in order to make covenant changes that would correct the 1998 bylaw change. The results of the vote are 80 yes; 8 no; 1 abstain – for a total of 89 votes. During the meeting it was suggested that the Board attempt to define "commercial activity" and that we use this definition in our Pawnee Hills Rules and Regulations; i.e. everything else other than the definition of commercial activity would be allowed. The Board obtained a legal opinion of a definition of commercial activity from the association's attorney. The definition is very restrictive and the end result would be... "**ANY operation of a for profit business or activity is prohibited...**" in Pawnee Hills. With this new information the majority of the Board felt that it was in the best interest of the community to attempt this vote – **one more time - AGAIN**. Please watch your mail for the information regarding the upcoming vote – **which remove "no commercial activity will be permitted" to allow home occupations**. This is the only way we will ever correct this problem!!!

The Special Meeting will be held Monday, December 4th at the clubhouse, at 7:00 PM. Check in will be from 6:00 PM until 6:55 PM. Stephen Gile is contacting the neighborhood to obtain your proxy if you would like to use your proxy to vote. You may contact him at 303-317-3369 or crc@awai.com, and he will set aside a time to come and pick up your proxy. Also, you may just show up, vote and then leave up to one hour before the start of the meeting. It is not mandatory to stay for the meeting in order to vote. Let your voice be heard!

Minutes

We will be posting August and September's minutes on the website soon. We are still working on October as well as the minutes from November 9th and November 14th – they will be forthcoming. If you would like a hard-copy of any of these minutes, please call the club house phone number listed above. Leave your name, mailing address and phone number, and we will mail them to you. We apologize for the delay in minutes.

January Homeowner's Meeting

If you have anything you want included on the agenda for the January Homeowners' Meeting, please send it in writing to the Board of Directors no later than December 15th. The meeting is scheduled for Saturday, January 27, at 10:00 AM. Check-in will begin at 9:00 AM. Please mark your calendars and plan to attend.

Open Board Positions

There will be 3 open Board positions to be voted on if a quorum is present at the January meeting. If you are interested in running for the Board, please contact Pam Schultz at 303-646-3638 by December 15, to have your name added to the ballot.

Christmas Decorating Contest

The activities committee is planning the decorating contest again this year. The details for the contest will soon be posted at the mailboxes. Join in the fun!

Legal Expenses

The amount listed regarding expenses reflects only the **current** amounts and not the total covenant violation legal expenses incurred throughout this year. We will continue to show the running totals until the case is closed, and the association is no longer incurring legal fees. The Board would like to encourage all homeowners with covenant violations to come into compliance so the association can avoid expenses like those reported below.

Linda Lee

\$ 4.42 1st mailing
\$ 4.42 2nd mailing
\$ 138.33 lawyer meeting
\$ 51.54 demand letter
\$ 300.00 enforcement lawsuit
\$ 20.80 copies
\$ 1.48 postage
\$ 75.00 notice of lis pendens
\$ 136.00 filing fee
\$ 34.00 process by Sheriff
\$ 10.05 copies, postage, letter to court to forward return of service
\$ 185.00 motion for default & order
\$ 46.25 e-file pleading
\$ 8.00 e-filing fee
\$ 9.07 filing fee, copies, postage
\$ 34.48 notice to set trial
\$ 46.25 phone conference w/Lee
\$ 34.05 notice of setting
\$ 34.48 copies, postage, notice, cover letter
\$ 46.25 court case research
\$ 370.00 disclosure, certificate of compliance; review of all documents
\$ 27.75 e-file disclosure certs
\$ 38.16 photocopies, postage
\$ 8.30 e-filing fee
\$ 46.25 telephone conference
\$ 30.52 letter
\$ 92.50 draft response motion
\$ 61.05 draft trial mgmt order; telephone conference w/court
\$ 61.05 letter re order
\$ 8.22 e filing
\$ 34.56 notice of setting
\$ 1.78 postage/copies
\$ 30.83 telephone conference
\$ 370.00 trial mgmt order
\$ 231.25 prepare for trial
\$ 185.00 prep exhibit books
\$ 878.75 attend trial
\$ 138.75 update exhibits
\$ 462.50 attend trial
\$ 8.33 e-filing fee
\$ 138.75 brief for atty fee
\$ 34.75 postage, copies, cert of compliance, cover letter
\$ 92.50 response to motion for atty fees
\$ 16.44 e filing
\$ 132.45 affidavit of attorney's fees, e-filing, postage, photocopying, certificate of compliance
\$ 44.19 draft judgement and order, e-filing
\$ 4,814.50 Total

Larry Beireis/Alta Jackson

\$ 555.00 phone conversation, draft verified complaint, motion for temp restraining order, motion for preliminary injunction/temporary restraining order
\$ 370.00 attend hearing, arrange service
\$ 370.00 attend preliminary injunction, prep for hearing
\$ 136.00 filing fee
\$ 68.57 filing fee, copies, postage, service of process, service and summons to court
\$ 41.57 copies, postage, service of process, service and summons to court (Alta)
\$ 140.85 e filing
\$ 27.75 telephone conference with opposing counsel
\$ 231.25 prepare for trial
\$ 92.50 try to negotiate settlement
\$1,017.50 meeting with clients, attend trial
\$ 185.00 draft court order
\$ 138.75 brief; telephone conference
\$ 27.75 draft judgment and order
\$ 8.96 e filing
\$ 8.74 e filing
\$ 39.18 e filings
\$3,459.37 Total

Dennis and Mary Bennett

\$ 364.74 lawsuit
\$ 83.06 service of process, postage photocopies, cover letters
\$ 447.80 Total

Robert and Janice Rowland

\$ 364.74 lawsuit

Declaratory Judgment – Legal Costs (does not include voting/ballot costs)

Current legal costs incurred for the Declaratory Judgment as of September 2006 are as follows:

(Cheryl Mulvihill represents Plaintiff - PHCA BOD and David Rolfe represents Defendants (Class Action – homeowners).

\$ 370.00 revise lawsuit to class action/research (Mulvihill)
\$ 647.50 research and draft declaratory complaint (Mulvihill)
\$.78 postage (Mulvihill)
\$ 1.60 photocopies (Mulvihill)
\$ 61.05 confer with Rolfe, letter to PH board (Mulvihill)
\$ 46.25 telephone conference (Mulvihill)
\$ 416.25 revise judgment; conference with opposing counsel; telephone conference (Mulvihill)
\$ 136.00 filing fee (Mulvihill)
\$ 140.85 e filing (Mulvihill)
\$ 510.00 meeting re: class action suit (Rolfe)
\$ 20.00 initial review of file and establish docket (Rolfe)
\$ 60.00 review and revise draft advisement letter to class members (Rolfe)
\$ 30.00 prepare Entry of Appearance for class action suit (Rolfe)
\$ 180.00 work on draft Answer to Complaint (Rolfe)
\$ 330.00 research class action statute; work on Certification of Class pleading (Rolfe)
\$ 60.00 review and revise Draft Motion (Rolfe)
\$ 60.00 review and revise draft letter (Rolfe)
\$ 20.00 work on motion and proposed form of order (Rolfe)
\$ 30.00 conference with secretary re: advisement letter (Rolfe)
\$ 30.00 review memo re: advisement letter (Rolfe)

Declaratory Judgment Costs – Continued

\$ 1.00 photocopy charge (Rolfe)
\$.39 postage (Rolfe) \$
\$ 27.75 telephone conference with Rolfe (Mulvihill)
\$ 50.00 work on Complaint (Rolfe)
\$ 60.00 telephone conference with PHCA (Rolfe)
\$ 30.00 conference with secretary (Rolfe)
\$ 30.00 review memo and draft response regarding documents for review (Rolfe)
\$ 30.00 review memo regarding scheduling of homeowners (Rolfe)
\$ 30.00 review memo regarding scheduling of evening meeting (Rolfe)
\$ 30.00 review and revise Draft Motion for Certification of the Class (Rolfe)
\$ 30.00 conference with secretary regarding Draft Answer to Complaint (Rolfe)
\$ 120.00 draft Answer to Complaint (Rolfe)
\$ 60.00 telephone call from opposing counsel (Rolfe)
\$ 30.00 work on Answer to Complaint (Rolfe)
\$ 30.00 work on Motion for Class, exhibits and proposed form of Order (Rolfe)
\$ 60.00 e-filings and update docket and pleadings (Rolfe)
\$ 30.00 review e-mail regarding deadline (Rolfe)
\$ 30.00 review e-mail regarding opt out issue (Rolfe)
\$ 30.00 meeting with secretary regarding scheduling of meeting (Rolfe)
\$ 30.00 review memo; draft response to secretary (Rolfe)
\$ 30.00 review memo regarding date and time of meeting (Rolfe)
\$ 10.00 update docket regarding letters from homeowners regarding opting (Rolfe)
\$ 60.00 telephone call regarding letters from class members (Rolfe)
\$ 90.00 review and revise Draft letter to class (Rolfe)
\$ 30.00 conference with secretary (Rolfe)
\$ 60.00 review and revise draft advisement letter (Rolfe)
\$ 120.00 telephone call from Tina O'Bryan (Rolfe)
\$ 30.00 review and revise Draft letter (Rolfe)
\$ 90.00 telephone call from Tina O'Bryan regarding draft of advisement letter (Rolfe)
\$ 60.00 telephone call from Tina O'Bryan regarding inquiries from board (Rolfe)
\$ 30.00 telephone call from Mulvihill's office to hold advisement letter (Rolfe)
\$ 30.00 telephone call from Tina O'Bryan regarding joint meeting (Rolfe)
\$ 30.00 meeting with secretary regarding joint meeting (Rolfe)
\$ 30.00 review memo from secretary (Rolfe)
\$ 82.50 photocopy charges (Rolfe)
\$ 1.50 fax charges (Rolfe)
\$ 65.22 postage (Rolfe)
\$ 103.60 e-filing fees and costs
\$ 601.25 telephone conference with president re commercial activity
research and opinion re same (Mulvihill)
\$ 10.78 photocopies, cover letter (Mulvihill)
\$ 30.00 review memo re scheduling of meeting with parties
\$ 30.00 conference with secretary re dates with counsel
\$ 30.00 review memo re clearing available date for meeting
\$ 30.00 review memo re proposed date for meeting
\$ 30.00 review of order from Court denying certification of the class
\$ 30.00 review memo and draft response re denial of class
\$ 30.00 draft Motion for Clarification of Court's Order
\$ 30.00 update docket and pleadings
\$ 30.00 e-filing of Motion for Clarification of Order, update docket, and pleadings
\$ 89.55 photocopy charge and postage
\$5,793.82 Total