

Pawnee Hills Community Association

November 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, November 9, 2006 at 7:00 p.m.** at the clubhouse located at 35644 Cheyenne Trail.

Voting Results of October Special Meeting and NOTICE OF - 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. Stephen Giles has volunteered to go around the neighborhood and obtain proxies from those of you that would like to use your proxy to vote. 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!

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.

Website

PHCA website is now online at pawneehillshoa.org. Please let us know if you have any additional information you would like to see posted on this website.

Newsletter and Calendar of Events (Website)

Items for the newsletter and for the website calendar of events must be submitted by the 15th of the month.

Legal

Linda Lee Regarding Attorney's Fees and Costs – Order from Elbert County District Court is posted on the website www.pawneehillshoa.org. The court ordered Linda Lee to pay \$4,715.84. Attorneys cost to date are \$4,814.50.

Larry Beireis and Alta Mae Jackson – Elbert County District Court has ordered Mr. Beireis and Ms. Jackson to pay attorneys fees. The amount has not yet been ordered. You may view the current order on the website at www.pawneehillshoa.org.

Election Day – Tuesday, November 7

Don't forget to VOTE!!!

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
\$3,420.19 Total

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)
\$ 1.00 photocopy charge (Rolfe)
\$.39 postage (Rolfe)
\$ 27.75 telephone conference with Rolfe (Mulvihill)

Declaratory Judgment Costs – Continued

\$ 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
\$4,842.24 Total