

Brandywine Homeowners' Association
September 8th, 2020 Board Meeting Minutes

Call to Order: The meeting was called to order at 7:00 PM by the Association President, Paul Mouritsen. All members of the board were present.

Current Board Members:

Paul Mouritsen - President
Angela Taylor - Treasurer

Bill Slover - Vice President
Brian Verse - Secretary

Directors:

Gloria Pazel Ron Reeves Sarah Verse Shawna Slate

Immediate Past President: Buz Underill

The following homeowners were also in attendance: TJ Kushner, Eileen Mouritsen

Approval of minutes: After a short review of the March 10th 2020 minutes; Gloria Pazel made a **motion** at 7:02 PM to approve the minutes as presented. The motion was seconded by Ron Reeves. The minutes were approved by a unanimous vote.

Treasurer Report:

- Angela stated we have the shortest accounts receivable past-due list in a while. A few months back, she sent specific emails to individual homeowners, and that appears to have been successful.
- There is no update on the Knifley small claims court proceedings. Angela has emailed Jim Beadle with respect to the next set of paperwork, but has not heard back. In the meantime, the Knifley's have been paying down their balance a couple hundred dollars a month.
- Angela noted that our cable bill has gone up \$100 this month because the broadcast stations have increased their fees to the cable company. It is now just over \$5000.

Committee Reports

Recreation:

- Van Reynolds sent an email a week ago, stating that a 2 of the 3 tennis court timers were not working properly. One sticks and one's knob has broken off. Additionally there is one light out on the South East Pole. He suggested getting all 3 timers replaced.
 - Buz stated that he has noticed the lights have been on all night a few times.
 - Sarah stated that Florida Bulb & Ballast was who we called last time.
 - Angela suggested the board approve a dollar amount now, in case it is above the \$400.
 - At 7:05, Buz Underill made a **motion** to approve up to \$1000 for the repairs. It was seconded by Sarah Verse and approved by a unanimous vote.

Safety:

- No Report.

Landscaping:

- Nothing new to report.
- Ron asked if the board wanted to revisit the pepper tree removal. There was no interest at this time.

Architectural:

- Nothing to report, just the usual re-roof and re-paint requests.

Equity Preservation Committee:

- No report

Stables:

- Paul stated that the trial will be this Thursday (9/10/20), starting at 9AM. He will be there along with Jim Beadle. Buz stated that he will be testifying via Zoom.
- Buz said this is the 1st of two trials. This one deals with the easement dispute (2nd trial will be about damages).
 - Buz said we have given her easement to Tracts E & F, however she is looking for the right to have customers and the ability to park and use everything on Tract A.
 - This easement debate goes back to the intent of the stableminium, and if it was meant to be a commercial operation. And if so, are they (Patti) a successor in interest in that.
 - Patti is taking the position that they are, that it was set up as a commercial enterprise, and that they have the right to the easement without compensation.
 - Buz's testimony has to do with what his intent was when he developed it, and what it's purpose was, easement, etc.
- Bill asked if Patti was asking for access to the buildings, to which Buz responded, "No, they want access to everything and be able to run a commercial operation without compensation".
- Buz said that agreement was exclusive to the stableminium, however it was not without compensation. Dominic was obligated to do some things. Our position is that agreement was exclusive to the stableminium. When the stableminium collapsed, that easement went away, and a lease was required.
- Paul asked about the timing of the stableminium collapse, and if Buz had turned the development over to the homeowners yet. Buz said it had been turned over to the homeowners. They sold all the stabilminium units to some of the homeowners and to Dominic (had equitable ownership).
- Buz said that at about the same time, Dominic got a tax bill from the tax assessor. Since a stableminium had been created (which was new/never been done before), he (Dominic) was taxed similar to a condo; assessing it much higher than it should have been. Dominic, with the other owners at the time, then had it re-assessed as agricultural and the stableminium was collapsed. Once collapsed, he entered into a lease agreement to use the property with the association.
- Paul reviewed that from '91 to '01, Dominic had a lease. Buz agreed, and said that when Patti bought it in '01, she entered into a lease with the association

to continue to utilize the common areas. This went through the end to Wally's term.

- Any lease negotiations were always about money or other work related compensation, there was never an issue of easement. That only arose after Patti's eviction.
- Paul said in '01, Patti signed a lease for 5 years, and in '06 (when Rudy was president), she sold it to Wally. At the time, the lease terms were that she could use the pastures, as long as she maintained the fences and other things (which she did very well). This continued into Wally's ownership, until he stopped performing.
- Eventually, Wally defaulted on his mortgage payments to Patti, at which point she took it back via foreclosure ~ 2015.
- After that, she spent some money on repairs in anticipation of getting a lease which never materialized and brings us to where we are now.
- Paul stated that Patti believes she can use the property without a lease, but is not sure where she got that idea from. He said she wants access as leverage to negotiate a lease (which does not make sense).
- Paul said he has gone over several items with Jim Beadle. Patti sent a new lease request on 9/11/20 removing all we had added/agreed to in previous discussions. Paul did not distribute it to the board because it was so far backwards from where we had gotten to.
- Paul spent the next couple of minutes reviewing questions that Jim Beadle had prepared for him at the trial.
- Paul stated that the judge previously ruled that she had personal access; which the HOA had given to her a year before that.
- Shawna asked what it would mean if the judge ruled in our favor. Paul said Patti would then have to sign a lease, or sell it (as she is actively trying to do).
- Paul reiterated that the board will discuss a lease with any potential buyer if they have a concrete agreement to purchase the buildings from Patti.
- Paul said the ruling will be sent in writing to Wayne Alder (Patti's Title Company's attorney), and then he'll send it to Jim Beadle and Alderman (HOA's Insurance company's attorney).

Old Business:

- None

New Business:

- 2021 Budget Planning
 - Angela asked that everyone email her their estimated budget needs for next year so that we can vote on it at the October board meeting (to mail in the November annual meeting packets).
- Vehicles on Horse Trails
 - Angela's new neighbor had questions about the horse trails behind the houses, and where they were so they could ride their go-cart on them. She informed them that was not allowed. She requested the board send out an email and remind homeowners of the deed restrictions prohibiting motorized vehicles on the trails/common area (5.09).
 - Paul stated that he believes the original intent was so that it didn't interfere with horses.

- TJ stated that it's not only homeowners in our neighborhood, but also those in the next neighborhood over.
- Halloween
 - Brian received an email from a homeowner asking about the plans for Halloween this year, and if the board was going to notify homeowners of any changes (due to COVID).
 - The board agreed that anyone who wants to cater to trick-or-treaters, can continue to do so. It's not something the board will dictate.
- Paul asked Shawna to put together a nominating committee for the upcoming annual meeting; find out who is interested in running for what positions so that we can generate a ballot. Brian can send out an email to the homeowners.
 - Angela reminded the board that we were going to try and correct the voting on directors so that 2 are voted on each year (instead of 3 or 1). Brian said he would look back and verify whose term is ending this year.
 - Angela asked where we might have the meeting this year in case the church is not available (closed or not renting due to COVID). The tennis court and gazebo area was suggested, along with the wash rack area (if needed).
 - Brian said he would follow up with the church and find out if they would still rent it.
 - Next month we will discuss the minutes from last year's meeting, the budget, and potential ballots.
- The next meeting will be held on October 13th at 7 PM at the Mouritsen's residence - 2480 Brandywine Lane.

Adjournment: At 7:55pm, the meeting was adjourned by Paul Mouritsen.