

OWL CREEK HOMEOWNERS ASSOCIATION

MINUTES OF THE February 9, 2021, BOARD OF DIRECTORS MEETING

I. Call to Order

Mr. Romanski, called the Meeting to order via Zoom conference call at 4:04 pm with Board members Richard Romanski, Scott Schlesinger, Kay Hanafin, Z. Divjak, and Connie Hodson were in attendance. Chuck Lohmiller was in attendance. Barton Craig of Snowmass Lodging Company was also present.

II. Approval of Minutes

Mr. Romanski made a motion to waive the reading of the minutes of the December 2nd, 2020, Board of Directors meeting and approve them as written. Mrs. Hanafin seconded, and the motion passed via voice vote.

III. Old Business

There was no Old Business to review.

IV. New Business

Board Vacancy/Appointment

Mr. Anderson has submitted a letter of resignation to the Board.

Mrs. Hodson made a motion to nominate Mr. Lohmiller to fill Mr. Anderson's Board seat, but not his position as President. Mr. Divjak seconded and the motion was unanimously approved. Mr. Lohmiller will serve out Mr. Anderson's term, which expires at the end of 2021.

Mrs. Hodson made a motion for Mr. Romanski to fill the position as Board President and Mrs. Hanafin to serve as Vice President. Mrs. Hodson will continue to serve as Secretary. Mr. Schlesinger seconded the motion, which was unanimously approved.

Parking Space Dispute—609 Streamside Court

Mr. Romanski reminded the Board that the owner of 609 is claiming sole possession of the parking space connected to the shared driveway of 609/610. The HOA attorney has reviewed the governing documents and plat maps of the HOA and concluded that the existing space is not attached to a

Limited Common Element driveway dedicated to a specific home but rather the space is attached to a common driveway used by both homes. This is an unusual configuration for the Owl Creek Homes because all other parking spaces, if they exist, in the Owl Creek development are attached to specific owner driveways and therefore are treated as Limited Common Elements assigned to that specific unit. The attorney concluded that with no map designating the parking space as belonging to a single unit, the space is therefore a Limited Common Element allocated to two homes, 609 and 610 Streamside Court. Also, for the previous 22 years the parking space has always been treated as a shared space.

Mr. Divjak noted that as the attorney concluded the space does not belong to 609, the option of building an additional space at homeowner expense should not be offered. Mr. Schlesinger recommended having the HOA attorney send an opinion letter to the owner of 609 Streamside. Mr. Romanski asked Mr. Schlesinger to speak to the HOA attorney on this matter to facilitate that letter being sent in a timely manner.

Slip and Fall on ice-609 Streamside Court

Mr. Romanski noted a long history of complaints and issues with the owners of 609 Streamside.

On Friday, February 5th Mr. Craig was notified that the owner of 609 had slipped and injured his ankle. The Board received and discussed a letter by the homeowner alleging fault and stating an intent to pursue a claim, "against the HOA" for a condition that existed outside the unit. The Board discussed the fact that the claim made in the letter was without merit insofar as the fall occurred in a different area from the area where the alleged condition existed. The letter sent by the owner of unit 609 to the Board on Monday, February 8th threatened to pursue a baseless claim. Mr. Schlesinger recommended notifying the HOA insurance carrier of this letter and let the insurance carrier take any action they deem appropriate. Mr. Schlesinger noted that the only communications by the Board or Management on this matter should be a letter from the HOA insurance carrier noting that we have received the letter and have determined the allegation of fault to be incorrect. There should be no further communication to the homeowner on this matter other than through legal counsel who may advise the homeowner of our denial of this unfounded claim.

I. Adjournment

Mrs. Hodson made a motion for adjournment. Mr. Schlesinger seconded, and the motion passed. The meeting was adjourned at 5:27 pm.

Submitted by,

Mrs. Hodson, Secretary/Treasurer