

Nottingham at Heritage Park HOA Emergency Meeting

The purpose of the meeting was to get the homeowners feedback on the filed lawsuit, Mark and Tammy Somogye vs Nottingham at Heritage Pak HOA, Inc.

July 21, 2011, 7:30PM

Held at Community Pool

In attendance; John Brewster (Co-President), Darren Wright (Vice President), Shannon Lyon (Architectural Committee), Julie Murray (Secretary), Matt Corbin (Legal Counsel for Somogye's), Tammy Somogye (via Skype) and 35plus homeowners (see records for complete list), Green Star Roofing (invited by Ms. Somogye)

New Business

-John Brewster

- Started the meeting with an explanation of the difference between the HOA Declaration of Restrictions and HOA Bylaws. The Board can not change the covenants, but they can approve materials.
- A recap was given of the December 2010 General meeting and how the composite choices came to be approved.
- Once the hail storm occurred the Board thought it was important to get the approved list of roofing materials out to the homeowners, so they went door to door to hand deliver the information and answer as many questions as possible.
- Two nights later an updated list was also hand delivered door to door with additional composite roof options, within the same color scheme.
- The Board still feels they are acting within the guidelines of the original vision of the developer and moving within the covenants as a whole.
- The homeowners were brought up to date on the lawsuit being filed by the Somogye's.
- It was explained that the 2/3 signatures that the Somogye's believe they have are insufficient (according to the HOA's lawyer).
- It was asked of the homeowners as to where they feel the Board should go from here.

Open discussions were held and questions from homeowners were answered regarding the roofing situation and the pending lawsuit.

- One homeowner stated he was interested in the Green Star roof, but knew the Board had previously denied an exception to the restrictions, so he did not pursue it further.
- There was support for both sides of the issue.
- It was presented that Ms. Somogye had previously stated that she had brought samples and pictures with her when she went to collect signatures, however several homeowners stated that when Mr. Somogye came he had no samples or pictures.

-Several Homeowners stated that if the Somogye's had the 2/3 required signatures, why not let them have the roof.

-John Brewster reiterated that the collection of the required 2/3 signatures that each signature of the deed holders would need to be notarized and that the collected signatures were invalid.

-Tammy Somogye (via Skype)

-Explained that she had only 60 days to file the lawsuit after her request was denied by the Architectural Committee to have the Green Star roof installed.

-She did not serve the lawsuit until after the 106 signatures were presented to the Board.

-The Board is required to have open meetings and give notice to homeowners of time, date and place.

-She was surprised that homeowners who signed her petition said they did not know what they were signing as she explained what and why she was having them sign and had pictures and samples of the roof with her.

-Darren Wright

-A non-formal vote, by a showing of hands, was taken to see who was open to adding more roofing choices and who were not.

- Roughly 2/3 of those attending did not want to add more roofing choices and agreed with the Board's decision to deny the Somogye's request.

-Some homeowners would like to delete the low end Timberline roof choice from the list and was told that could be brought up at the annual meeting.

The Board will hold another emergency meeting Wednesday, July 27, 2011 at 7:30 at the community pool for those unable to attend this evening. After another informal vote it will be decided as to how the Board will proceed on this matter.

-Darren Wright made a motion to close the meeting and it was seconded by John Brewster.

Meeting ended 8:32 pm