

**TORREY PINES CONDOMINIUM  
MONTHLY HOA BOARD MEETING  
FEBRUARY 19, 2009**

Board Members Present:

Vern Peter  
Jim Schwieder  
Debra Cook  
Charlotte Mitchell

Earl Johnson – Western States Property Services

Jim opened the meeting and requested a ruling on January's minutes. Charlotte made a motion to accept the January minutes as written, Vern Peter seconded, motion carried

First item up for discussion was the notice to enter and remove personal items from 108A in an effort to eradicate the pests inhabiting this unit. When the personal items are out then the exterminator will seal the unit and bomb it.

Next item up was the fact that the person in 117A had posted a notice of Daycare/Babysitting to be done at this location. Jim asked if a letter had been sent notifying her that this was not allowed? Earl said that he had called and left a voice mail. If there is no response to this a letter will be written.

Next item up was the formal eviction of the renters in unit 104A. The official move out date is March 4, 2009.

The bid for the address/numbers for the buildings was next discussed. There was only one bid at this time. This bid, at \$1,175, was felt to be on the high side and the board decided that it would like to see at least two other bids for this. Vern thought this was also high and suggested negotiating, but he also said he would ask around and see if he couldn't come up with someone.

Jim then stated that he had asked Earl to go out and get estimates on the repair of the exterior stairwell steps. Again there was only one bid, for \$8,940, for only one stairwell, with a proviso about not covering any damage to the supporting block wall that the stairs are attached to. Vern said that was to open ended and could lead to double the price quoted to "repair" the stairwell. Earl was asked if he could get some more bids and Earl stated that he had gone to three or four contractors he normally contacts for concrete repair work and was told by them that they only do new, they no longer do repairs. Vern said that he might be able to come up with a couple of names. Vern said that he does some concrete work himself, but he would like to see others put in a bid.

The next item up for discussion was the problem of an insurance company for the complex. The problem Earl has run into is that 5 of the companies that he has contacted have turned him down, mainly due to the claims filed in the last 6 – 8 years, the last being the fire in building b. He has one bid in for \$36,000/year and they want 25% down before they will accept us. The other company he is waiting on for a finalized bid is Lloyd's of London – he doesn't think their bid will be low. We are currently budgeted for \$16,000/year. The \$36,000 will cause a major budget problem. The discussion then went to the fire damage and what the insurance company was willing to pay. Earl said that the last inspection had been made today and he was hoping that something would come out of the meeting between Travelers and the Public Adjuster that we had hired. Earl then explained the history of the claim/estimates/damage and responsibility of everyone so that Vern, who is new on

the board, would know the history. Jim and Vern expressed concern over how much the HOA was going to have to do and why we would even be involved with the interior of the unit. Earl then read from the covenants about the responsibility of the HOA – the original fixtures that were in place when the unit was originally sold (e.g. cabinets, counter tops, plumbing into the unit, electrical into the unit, intercom system, which has been replaced, but no personal items, no upgrades and no appliances.

The next item up was the budget. Earl reviewed the budget, pointing out that there was only a little over \$7,900 in the reserves. He then went over the individual line items of the budget explaining what was happening and why each item was over, under or close to the budgeted amount (e.g. warm weather, no snow, lower gas prices, etc.)

Earl then went on to talk about the delinquencies, which total a little over \$24,000.00. Jim asked Earl if there was any reason why we couldn't post the delinquencies in lobby on the windows, or somewhere public. Earl said that yes there was a reason – law suits from disclosure of personal information and possible erroneous information. Earl wanted to know why Jim wanted to do this and Jim stated he was trying to think of ways to collect the money, since \$24,000 would go a long way to helping our budget. Earl then finished reviewing the delinquencies and made the comment that he estimated that six or seven of those that are delinquent will be filing for foreclosure soon. He said that the current owners aren't even waiting for the bailout to try and save their homes – they were just leaving. Which brought up the next item for discussion – Jim had asked Earl to put together a packet of the capital expenses the HOA is faced with to run and maintain the complex. These could require a special assessment or a raising of the HOA dues. Jim wants to keep the dues where they are, since they are some of the highest around, and if we raise the dues we could be looking at more delinquencies due to people not being able to afford the raise.

#### Items of concern:

- Insurance – so far only bid we have is for \$36,000 (we can't use reserve for other bills we have to have the reserve so that we can place the 25% down.) Earl has one more appointment on Tuesday with a company named Peliton that brokers insurance and he's hoping that they have another insurance company for us.
- As of today Earl is holding checks for \$19,290 that he doesn't have the funds to cover.
- \$24,000 in delinquencies.
- The upkeep items that have been discussed and not completed is the carpeting on the second floors of the buildings.
- The pool, if it is to open this year, needs to have between \$8,500 and \$10,000 improvements done to it to bring it into compliance with the federal law.

Jim said that he would hate to see us lose the last amenity that the complex has – the pool. He suggested that we look over the budget and try to trim out excess or not used monies to find enough to pay for the pool upgrades. Jim then said that there weren't enough numbers (insurance especially) to vote on a special assessment or raising of the dues. He then stated that when Earl had those specific numbers (by the next meeting) the board could then, if they agreed with him, make a decision at that time. The board members agreed with Jim's suggestion.

Jim then opened the floor to open discussion, reminding everyone try to keep their comments between 3 – 5 minutes for everyone's convenience.

Faye Witter, the owner of unit 206A, then put in a bid for reconsideration of the removal of the pet of her renter. She said that finding good, responsible renters was extremely difficult and that his dog didn't fall within the group of dogs listed in the rules as being forbidden. The renter, Derek, then stated that the dogs listed as forbidden were all large attack dogs and the recommended dogs were all of the toy type – there was a considerable gray area there. Earl wanted to know if he had seen the rules prior to signing his lease and he said

that he had. Earl wanted to know if he had questioned the pet rule at that time and Derek said that no, he hadn't as he didn't consider his pet to fit the forbidden pet list. He stated that his dog was a Pug mix and weighed around 30 pounds. The discussion then veered to what size other dogs were here, how they acted, how their owners tended to them, etc. Jim and Earl both asked that we stay focused on the item being discussed – the pet in 206A. Earl then went on to state that the rules had been made for a reason – to ensure that everyone residing in the complex could do so without excessive hassles. Derek said that he was willing to go so far as to take us to court for a ruling and he stated that he didn't think the board would want that, since we were having financial difficulties. Earl then stated that in actuality condo's were not a good place to have dogs, he didn't even think cat's were a good fit – maybe fish, just due to the size of the units and the layout of the grounds. The idea was brought up to grandfather in the pets currently residing in the complex and change the rules as to what is allowed in the complex. Earl said he wasn't going to go around with a scale or a tape measure to evaluate each pet the came into the complex and he didn't know if anyone else wanted to do that either. Jim stated that each board member present should vote on whether to allow the dog to stay or to be removed. Debbie then asked what mix the dog was and Derek replied that it was a Pug/Boxer mix. Debbie then asked to see the dog, Jim said that wasn't necessary, but Earl said that if the board had to make a ruling, they really needed to see the dog. Derek brought the dog into the meeting, Jim called for a vote by each board member.

- Charlotte said that she had an aversion to dogs, but this one seemed to be small enough
- Debbie stated that it didn't fall within the listed parameters of forbidden dogs, she voted it was okay
- Vern stated that even though the dog wasn't as big as the ones listed as forbidden, he was still larger than the one's listed as acceptable – he was against the dog staying
- Jim said that he allowed as how the dog wasn't as big as some of the others that had been in residence, he said it was okay for the dog to stay

Joanne was next on the floor requesting that copies of the minutes be posted on the window of the party room. Earl said that the minutes were posted each month on the web site for people to access. She also requested a copy of the letter that Earl had sent to the Aurora Police Department (APD) stating it was okay to issue tickets for trespassing. She thought that since the property was posted as private that would be enough. She had tried to get someone warned about trespassing and the APD said they had no knowledge of such a letter. Earl said that yes he could get her a copy, but he said that Mark, our PAR officer, was supposed to have taken care of the letter being distributed and made known throughout the APD.

Agnes then brought up the matter that the third floor exterior door was not locking for the last two weeks and that the gentleman in 305A had called it in and it was still not locking. Earl said that he had sent his man out, he had removed some kind of substance from the tumblers and it was working when he left. Agnes said that it was not locking tonight. Earl stated he would send his man back out.

There were no more comments from the floor. Charlotte made a motion to adjourn the meeting, Vern seconded, motion carried.

This minutes prepared by

Debra H. Cook  
Secretary/Treasurer  
Board of Directors  
Torrey Pines Condominium