

Quail Creek Cattle & land inc. HOA

Monthly Board Meeting

Aug 22, 2013

Notice is hereby given as required by Texas HOA law that a regular meeting of the Quail Creek HOA board, will be held on Thursday, Aug 22, 2013 at 1800hrs Mclendon Chisholm Baptist Church, Located next to the City Hall.

Meeting will be held under Roberts rules of Order.

Regular Meeting

Quail Creek HOA will convene a regular meeting to consider and or act on the following items:

1. Call to Order
2. HOA member comments:
3. Consent Agenda:
 - a. Consider and approval of minutes from July 2013 meeting.
 - b. Consider and Vote on approval of renewal of HOA insurance.
 - c. Consider and Vote on approval of retaining an Attorney.
 - d. Consider and Vote on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair.
 - e. Consider and Vote on retaining a attorney and having the CCR validity questions answered.
 - * f. Discussion on HOA dues that have not been paid and vote on sending letters to members
 - g. Consider and vote on amending the bylaws to make the reflect Texas law and to mitigate confusion.
 - h. Consider and vote on retaining a hard copy of the book Texas HOA law for each of the full members of the Board

4. Regular Business:

- ~~X~~
- a. Renewal of all HOA insurance, Vote to approve payment of bill. (5 min) N.Peters
- ~~X~~ Discussion on change of name from Quail Creek Cattle & Land to Quail Creek HOA (K. Fuller) (10 min). *Non-problem*
Under same name.
- c. Discussion on retaining a HOA Attorney for QC HOA, this will allow one entity to have corporate knowledge on the proceedings, filings, and background on rule making, votes and procedures should legal action be brought forward to the HOA. }
Vote one retaining a HOA Attorney to represent the HOA. Vote on approval of retaining an Attorney. C.Cook (10 Min)
- d. Discussion on required street repairs, Cost to repair, Vote on approval of funds and contractor to repair. J Byrnes (10 min)
- e. Plans were approved by ARC for 220 Pheasant hill. C.Cook (1 min)
- f. Discussion on retaining an attorney to produce a position paper on the validity of the filed CCR's filed in 2009. Background: While working to find out if there are in fact a different set of CCR'S for phase one and phase II, the following was found a set of CCR's were filed in 1999 converting from DEED Restriction to CCR's, another set was filed in 2003, another was filed in 2005, and another filed in 2009. Each set amended the last. When searching the corporate records not record of vote was found for any of the amendments and no record in minutes could be found for the votes. One set of min, record that the board was going to file the CCR's in 2009. At this time bylaws were drawn up and recorded by the board. K. Fuller was told by B. S that a vote was taken 4 years before and the board was only now filing the amendments for that vote in 2009. When talking to a number of Attorneys each said that without corporate records to back up the instrument filed (CCR's) they may be invalid. Request the board retain a Attorney to investigate this issue produce a legal position paper on the validity of the CCR's and what ones are valid. This will give us a starting point and allow the HOA to have a legal position on the issue. The following questions should be answered: What is Grandfathered in reference to the building and CCR's, What set is valid in ref. to the CCR's, What is the liability or issues that can come from not having a vote recorded in records, Is the HOA under one set of CCR's, Recommend MR. Archibald as the HOA's retained attorney, His cost to be retained is \$1000.00 his cost to research law, write the position paper and answer any questions we have should be about \$3000.00. It would be disservice to the community to allow this to languish and not have a legal finding. Vote on retaining a attorney and having the questions answered. C.Cook (20 min)
- g. Discussion on HOA dues that have not been paid and vote on sending letters to members. N. Peterson (2 min)

- h. Discussion and vote on amending the bylaws to make the reflect Texas law and to mitigate confusion. C.Cook (5 min)
 - i. Consider and vote on retaining a hard copy of the book Texas HOA law for each of the full members of the Board to be passed down on leaving office. Cost to be Aprox \$100.00. J.Byrnes (2 min)
 - j. Discussion on conduct of board members while at large. J.Byrnes (5 min)
 - k. Financials briefed and to be placed in record
5. Tabled information to be on next month meeting.
- a.
 - b.
 - c.
 - d.
 - e.

6. ADJOURN

Pursuant to Texas HOA law (open meeting act) The Board may convene into executive session on any item on the regular agenda. Following the meeting.

C Cook QC HOA SECRETARY

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