

HV of Fork Owners Association

HV OF FORK OWNERS ASSOCIATION

MAY 18, 2024, :00 AM

MEETING LOCATION: CLUBHOUSE AT 335 GERONIMO, QUITMAN, TEXAS 75783

TYPE OF MEETING: ANNUAL MEMBERSHIP MEETING

ATTENDANCE:

DIRECTORS: JUDY MARLOW, DUANE DALEY, TERRY LOLLAR, RICHARD MARTIN, BRANNON ALVAREZ.

PRESIDENT: DAN ALLEN

TREASURER: NANCY GUINN (NOT PRESENT)

POA SECRETARY: BRENDA LOLLAR

GENERAL MGR: JOE AMMONS

FINANCE: SHARON NELSON

VOLUNTEERS: GARY CLUNE & DENISE MAYS FOR ANNUAL MEMBERSHIP SIGN IN TABLE

9:12 AM PRESIDENT DAN ALLEN READ A PREPARED STATEMENT CONCERNING MEETING DECORUM AS FOLLOWS:

"DIRECTORS AND PROPERTY OWNERS WILL HOLD THIS MEETING WITH DECORUM AND RESPECT. IF THIS MEETING BECOMES THREATENING, I CAN CALL FOR A RECESS THAT MAY LAST 10 MINUTES, 10 HOURS, 10 DAYS. MY DESIRE IS TO MAINTAIN MEETING DECORUM AND ACCOMPLISH THE BUSINESS OF THIS FINE COMMUNITY. I HAVE THE PRIVILEGE TO CALL A RECESS UNTIL CALLED TO ORDER BY THE CHAIR."

PRESIDENT ALLEN CALLS UPON BRYAN SWENSON TO LEAD THE INVOCATION.

PRESIDENT ALLEN THEN CALLS UPON DIRECTOR DALEY TO READ ALOUD A PREPARED STATEMENT AS FOLLOWS:

DIRECTOR DALEY STATES, "TO COMPLY WITH THIS TEMPORARY ORDER OF INJUNCTION RELIEF AND THEN I WILL READ OUR RESPONSE FROM LEGAL COUNCIL. THE ORDER STATEMENT READS, ON THIS DATE THE COURT HEARD THE MOTION OF INJUNCTIVE RELIEF. IN THIS CASE, ORDERS THE ASSOCIATION AND ITS REPRESENTATIVES TO CEASE THE CURRENT ELECTION PROCESS UNTIL THE SITUATION IS REMEDIED." "OUR RESPONSE FROM LEGAL COUNCIL, "WHEN HV OF FORK ASSOCIATION OFFICERS AND/OR DIRECTORS ARE LEGALLY CHALLENGED WE MUST ABIDE BY THE LEGAL PROCESS. IN OTHER WORDS, OUR BOARD MEMBER FIDUCIARY RESPONSIBILITY LEAVES US WITH NO OPTION BUT TO SEE THE ISSUES ARE HANDLED THROUGH THE COURT SYSTEM TO PROVE TO ALL MEMBERS THEIR ASSOCIATION AND THEIR INDIVIDUAL INTEREST ARE BEING LEGALLY PROTECTED. OUR RESPONSE: LEGAL COUNCIL

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ADVISES THAT THE ELCTION IS ON HOLD. IF YOU HAVE CAST YOUR BALLOT TODAY, BE AWARE THAT ALL BALLOTS ARE BEING SEALED AND SET ASIDE AS ORDERED.

THEREFORE, I NOW MAKE A MOTION THAT WE RESLOVE ALL LEGAL CHALLENGES THROUGH THE COURT. (READ ALOUD BY DIRECTOR DUANE DALEY)

THE NEXT ORDER STATEMENT IS THAT THE ASSOCIATION WILL SEND ALL POA MEMBERS NEW BALLOTS WITHIN 14 DAYS AND MOVE ASIDE CURRENT BALLOTS AND EXTEND THE ELECTION TO JUNE 29, 2024, TO FACILITATE THE PROCESS. OUR LEGAL COUNSEL RESPONSE: IN AS SUCH AS NEW BALLOTS ARE REQUIRED RATHER THAN REPLACEMENT BALLOTS. FOLLOWING TEXAS PROPERTY CODE 209.00593 #A-1, WHICH IS DIRECTED IN THIS ORDER. IT WILL TAKE A MINIMUM OF 10 DAYS AND NOT MORE THAN 60 DAYS BEFORE THE MEETING TO COLLECT BALLOTS AND TO ALLOW CANDIDATES TO REGISTER.

THE NEXT ORDER STATEMENT IS THAT TWO OF THE CURRENT DIRECTORS, TERRY LOLLAR AND JUDY MARLOW'S TERM WILL EXPIRE MAY 18, 2024. OUR LEGAL COUNCIL RESPONSE IS: THIS IS NOT THE CASE AS OUR CURRENT BY-LAWS STATE THE MINIMUM TERM IS 3 YEARS AND DOES NOT LEGALLY END UNTL A SUCCESSOR IS ELECTED AND QUALIFIED. THIS IS IN KEEPING WITH TEXAS PROPERTY CODE 209.00593, PARAGRAPH A.

PRESIDENT ALLEN ANNOUNCES A LAST CALL FOR BALLOTS. NONE CAME FORWARD. ALL FIVE CURRENT SITTING DIRECTORS CAME FORWARD AND SIGNED THE BALLOT BOX AND IT WAS SEALED IN FULL VIEW OF ATTENDEES. PHOTOS AND VIDEO WERE TAKEN OF THIS PROCESS FOR THE RECORD.

QUESTION FROM THE FLOOR: CAN YOU EXPLAIN IN PLAIN ENGLISH WHY THIS IS HAPPENING. GM AMMONS ANSWERED: AN INJUNCTION WAS HANDED DOWN DUE TO HOW THE BALLOTS WERE HANDLED BY THE OFFICE STAFF. GM AMMONS FUTHER EXPLAINS THAT THE STEPS TAKEN IN THE OFFICE WERE DIRECTED BY HIMSELF.

PRESIDENT ALLEN CALLS FOR LAST YEARS MINUTES TO BE READ. GM AMMONS READS THE MAY 2023 ANNUAL MEETING MINUTES ALOUD. PRESIDENT ALLEN ASKED FOR A MOTION TO ACCEPT THE ANNUAL MEETING MINUTES FOR 2023. DIRECTOR LOLLAR MAKES A MOTION TO ACCEPT AND DIRECTOR MARLOW SECONDED THE MOTION. ALL IN FAVOR, THE AYES CARRY, NONE OPPOSED AND THE MOTION PASSES.

GM AMMONS READS ALOUD THE MINUTES FROM THE MARCH 16, 2024, OPEN BOARD MEETING. PRESIDENT ALLEN ASKED FOR A MOTION TO ACCEPT. DIRECTOR MARLOW MAKES A MOTION TO ACCEPT THE MINUTES AS READ AND DIRECTOR DALEY SECONDED THE MOTION, ALL IN FAVOR, THE AYES CARRY, NONE OPPOSED AND THE MOTION PASSES.

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GM AMMONS ANNOUNCES THAT TWO ELECTRONIC VOTES OCCURRED SINCE THE MARCH 16TH MEETING.

#1 ELECTRONIC VOTE ON MAY 3, 2024, TO DISMISS TREASURER NANCY GUINN AT THE REQUEST OF DIRECTOR MARTIN. THE VOTES WERE AS FOLLOWS: TWO (2) NO VOTES FROM DIRECTOR DALEY AND DIRECTOR LOLLAR. TWO (2) YES VOTES FROM DIRECTOR MARTIN AND DIRECTOR ALVAREZ. DIRECTOR MARLOW RECUSED HERSELF FROM VOTING BECAUSE SHE FELT A CONFLICT OF INTEREST BECAUSE NANCY GUINN IS A CLOSE FRIEND. GM AMMONS READ ALOUD THE ENTIRE EMAIL CHAIN. PRESIDENT ALLEN ASKED FOR A YES OR NO VOTE. THE EMAIL DIALOUGE IS AS FOLLOWS:

PRESIDENT ALLEN SHARED AN EMAIL FROM DIRECOR MARTIN-5/2/2024 AT 3:29 PM-DAN, I WOULD LIKE TO CALL FOR A VOTE NOW FOR THE IMMEDIATE TERMINATION OF NANCY. WE SHOULDN'T WAIT ANY LONGER FOR THIS TO HAPPEN. WHAT SHE DONE IN THE MEETING TO BOD MEMBERS IS TOTALLY UNCALLED FOR. SHE HAD THE CHANCE TO STEP DOWN AND REFUSED. I WOULD KKE TO CALL FOR A VOTE TO FIRE HER EFFECTIVE IMMEDIATELY. THANKS."

DIRECTOR DALEY ON 5/2/2024 AT 3:42 PM-"I VOTE NO".

DIRECTOR LOLLAR ON 5/2/2024 AT 6:06 PM-"I VOTE NO!"

DIRECTOR MARTIN ON 5/2/2024 AT 6:13 PM -"YES".

DIRECTOR ALVAREZ ON 5/2/2024 AT 7:24 PM-"I VOTE YES. I THINK NANCY IS A GOOD HONEST BOOKKEEPER AND ASSET TO THE POA BUT HER ACTIONS WERE COMPLETELY OUT OF LINE AS A POA VICE PRESIDENT AND TREASURER. I DO WANT TO MAKE NOTE THAT RICHARD MARTIN HELD HIS COOL THE ENTIRE TIME HIS WIFE'S NAME WAS BEING DRUG THROUGH THE MUD. RICHARD ALSO VOTED FOR NO AUDIT WHICH SHOULD HAVE PROVEN TO NANCY HER BOOKKEEPING CREDIBILITY WAS NOT BEING QUESTIONED."

DIRECTOR MARTIN ON 5/3/2024 AT 8:40 AM-"WHAT IS THE VOTE FROM JUDY?"

DIRECTOR MARLOW ON 5/3/2024 AT 9:14 AM-"IF I WAS GOING TO VOTE IT WOULD BE NO. HOWEVER, HAD ALREADY INFORMED OUR PRESIDENT I RECUSE MYSELF FROM VOTING. NANCY IS A CLOSE FRIEND, SO TO PROTECT THE INTEGRITY OF THE BOARD I FEEL I SHOULD NOT VOTE. WHEN THE NEW BOARD IS SET THEY MAY CHOOSE TO RETAIN OR DISMISS NANCY."

DIRECTOR MARTIN ON 5/3/2024 AT 9:43 AM-"OKAY SO LET ME GET THIS STRAIGHT THEN. SO 3 OF THE 5 BOARD MEMBERS IS SAYING THAT'S ITS PERFECTLY FINE FOR NANCY TO CURSE AT A BOARD MEMBER CALLING THEM A SORRY MOTHER FUC++R! AND JUMPING IN ANOTHER BOARD MEMBRS FACE AND CURSING THEM OUT! AND THERE IS NO DENYING WHAT HAPPENED BECAUSE WE HAD PROPERTY OWNERS COMING UP AND STATING THAT SHE NEEDED TO BE FIRED. WHATS BAD IS WE HAD A DISCUSSION ABOUT THI MATTER RIGHT AFTER IT HAPPENED AND IT WAS STATED THAT SHE HAD TO GO. ONE OF THESE BOARD MEMBERS WAS TERRY. BUT NOW ALL THE

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SUDDEN HE VOTES NO. SO IF THE BOARD BELIEVES THIS IS ACCEPTABLE TO HAPPEN THEN ALL I CAN SAY IS THAT THE MEETINGS ARE GOING TO GET VERY INTERESTING."

DIRECTOR ALVAREZ ON 5/3/2024 AT 10:42 AM-" I AGREE WITH YOU RICHARD. PEOPLE ASKING WHAT CHANGE IS NEEDED ON THE BOD. THIS RIGHT HERE IS A PERFECT EXAMPLE. ITS TIME FOR CHANGE. FAVORITISM IN THIS GROUP OF PEOPLE HAS GONE ON FOR WAY TOO LONG. I LOOK FORWARDED TO THE NEXT BOD MEETING. I WAS GOING TO TRY AND GO TO MY DAUGHTER'S GIRL SCOUT CAMP BUT I BELIEVE AT THIS POINT I NEED TO BE AT THE MEETING FOR THIS VERY IMPORTANT TURNING OF THE TIDE."

PRESIDENT ALLEN ON 5/6/2024 AT 8:57 AM-"THE VOTE IS AS FOLLOWS: DUANE DALEY NO, TERRY LOLLAR NO, JUDY MARLOW ABSTAIN, BRANON ALVAREZ YES, RICHARD MARTIN YES. WITH ABSTENTION VOTE THE RESULT IS A 2-2 TIE. WITH NO PROVSIONS FOR TIE BREAKING VOTE AT THIS TIME NANCY GUINN WILL MAINTAIN HER POSITON."

#2 ELECTRONIC VOTE ON MAY 10, 2024, GM AMMONS ASKED FOR PERMISSION TO SEND MATERIAL TO LEGAL REPRESENTATIVES DUE TO CERTAIN INDIVIDUALS AND THE BOARD OF DIRECTORS HAVE BEEN NAMED IN A LAWSUITE FILED BY PROPERTY OWNER MICHELLE MORGANTI.

THE VOTES WERE AS FOLLOWS: THREE (3) VOTES TO SEND TO ATTORNEY. DIRECTOR LOLLAR, DIRECTOR DALEY, AND DIRECTOR MARLOW GAVE PERMISSION TO SEND THE INFORMATION TO THE ATTORNEY AS IT WAS TIME SENSITIVE.

DIRECTOR MARTIN RESPONSE WAS AS FOLLOWS: 12:31 PM- TERRY CAN'T VOTE BECAUSE IT INVOLVES BRENDA. SO MY NEXT QUESTION IS CAN JUDY VOTE BECAUSE SHE IS A CANDIDATE?

DIRECTOR MARTIN-12:33 PM-DO WE EVEN KNOW IF ITS GOING BEFORE A JUDGE AND IF SO WHEN.

DIRECTOR LOLLAR RESPONDED AT 1:44 PM-"RICHARD THE ENTIRE BOD WAS NAMED IN THE SUIT.

DIRECTOR MARTIN AT 3:13 PM " I HAVEN'T SEEN ANY OF THE PAPERWORK. IT WAS SPREADING THROUGH THE VILLAGE BEFORE I EVEN SEEN THE 1ST EMAIL. "THIS IS WHAT SOUNDS AWFUL CRAZY TO ME. WE HAD AN EMERGENCY MEETING CALLED AND THE AGENDA WAS LEGAL MATTER AND IT WAS OVER SOME HE SAID SHE SAID BULL. WHICH SHOULD HAVE NEVER BEEN CALLED WITH NO PROOF THAT ANYONE SAID ANYTHING. BUT NOW WE HAVE A LEGAL MATTER. BEEN SERVED, HAVE A COURT DATE AND NO EMERGENCY MEETING HAS BEEN CALLED FOR. I DEFINITELY DON'T UNDERSTAND THIS. I WANT TO CALL FOR AN EMERGENCY MEETING ASAP!"

DIRECTOR ALVAREZ AT 3:21 PM- "RICHARD, I AGREE. A BOD MEETING NEEDS TO BE ADDRESSED ASAP OVER THIS LEGITIMATE LEGAL MATTER. DAN PLEASE GET ONE SCHEDULED ASAP."

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DIRECTOR ALVAREZ'S COMMENTS WERE AS FOLLOWS: 4:05 PM "RICHARD MAKES A VALID POINT. PLUS WHY WOULD ANYONE AGREE FOR SOMETHING TO GO TO THE LAWYER FOR REVIEW WITHOUT EVEN READING IT. I WOULD LIKE TO SEE THE DOCUMENT. DOES MICHELLE HAVE A VALID POINT? IS IT WORTH SPENDING MONEY ON THE LAWYER? THIS RIGHT HERE REQUIRES A BOD MEETING. I WILL NEED TO SEE THE DOCUMENT BEFORE I MAKE ANY DECISION."

GM AMMONS READS ALOUD THE EMERGENCY MEETING MINUTES FROM MAY 16, 2024, CONCERNING THE LEGAL MATTER. PRESIDENT ALLEN ASKED FOR A MOTION TO ACCEPT THE MINUTES AS READ AND POSTED. DIRECTOR LOLLAR MAKES A MOTION TO ACCEPT AND DIRECTOR MARLOW SECONDED THE MOTION. ALL IN FAVOR, AYES CARRY AND NONE OPPOSED. THE MOTION CARRIES.

PRESIDENT ALLEN CALLS FOR THE TREASURERS REPORT AND CALLED UPON FINANCE CLERK NELSON TO READ THE 2023 FINANCIALS.

2023-TOTAL DUES COLLECTED: \$539,206.02

2023-TOTAL INCOME COLLECTED: \$737,452.12

2023-TOTAL EXPENSES: \$553.192.25

2023-NET INCOME: -\$63,435.33

APRIL 2024-TOTAL DUES COLLECTED-\$50,915.20

APRIL 2024-TOTAL INCOME COLLECTED-\$69,953.51

APRIL 2024-TOTAL EXPENSES-\$45,953.09

APRIL 2024-TOTAL NET INCOME-\$24,000.42

APPROXIMATE COLLECTION RATE OF 81%.

THERE ARE 173 PROPERTY OWNERS THAT ARE NOT PAYING DUES. AS OF THE DAY OF THIS MEETING, THERE IS \$284, 190 ACROSS ALL ACCOUNTS.

PRESIDENT ALLEN CALLS FOR A MOTION TO ACCEPT THE TREASURER'S REPORT. DIRECTOR MARTIN MAKES A MOTION TO ACCEPT AND DIRECTOR ALVAREZ SECONDED THE MOTION TO ACCEPT. FOUR (4) AYES (DIRECTOR LOLLAR WAS NOT PRESENT DURING THE TREASURER'S REPORT) AYES CARRIED, NONE OPPOSED AND THE MOTION CARRIES TO ACCEPT THE TREASURER'S REPORT.

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PRESIDENT ALLEN ENTERTAINED A QUESTION FROM THE FLOOR: HAS THE ENGINEER BEEN OUT TO REVIEW GERONIMO? PRESIDENT ALLEN STATES THAT WE ARE WORKING WITH UT TYLER CIVIL ENGINEER PROGRAM, BUT THEY HAVE NOT SENT ANYONE OUT YET.

ANOTHER QUESTION FROM THE FLOOR: WHO RECOMMENDED PUTTING CRUSHED CONCRETE ON THE ROAD?
ANSWERED: GROUND POUNDERS.

OLD BUSINESS:

PRESIDENT ALLEN CALLS FOR OLD BUSINESS: CLUBHOUSE ROOF. THE DIRECTORS DISCUSSED AND DECIDED TO TABLE THIS DECISION. DIRECTOR LOLLAR MAKES A MOTION TO TABLE AND DIRECTOR MARLOW SECONDED THE MOTION, ALL IN FAVOR, AYES CARRY AND NONE OPPOSED. THE MOTION CARRIES.

DIRECTOR LOLLAR MAKES A MOTION TO SPEND THE \$1750.00 TO REPAIR THE CHEVROLET TRUCK TRANSMISSION AS PREVIOUSLY DISCUSSED WITH THE BOD. DIRECTOR MARLOW SECONDED THE MOTION. ALL IN FAVOR, AYES CARRY, NONE OPPOSED AND THE MOTION CARRIES.

GM AMMONS SUMMARIZES LEGAL ACTION ON FORECLOSURES. ONE PROPERTY OWNER CAME FORWARD AND PAID THE \$3600.00 DUE TO AVOID FORECLOSURE. ANOTHER FORECLOSURER IS WITH THE ATTORNEY AND THEY ARE WORKING WITH THE COURT TO SEIZE PROPERTY TO SELL FOR DUES AND LEGAL FEES OWED. GM AMMONS GOES ON TO EXPLAIN THAT FOR YEARS WE WERE TOLD WE COULD NOT FORECLOSE ON HOMESTEAD PROPERTY. HOMESTEAD TAKES SECOND PLACE ON LIEN ON PROPERTY. QUESTION FROM THE FLOOR: HOW MUCH IS OWED ON THIS PROPERTY? ANSWERED: \$7,000. IT WILL BE SOLD TO SATISFY THE LIEN AND TAXES AND THE REST IF ANY WILL GO TO THE PROPERTY OWNER. ONCE IT BECOMES A PUBLIC RECORD, THE BOD WILL PUT IT UP ON THE WEBSITE. QUESTION FROM THE FLOOR: HOW MUCH HAS TO BE OWED BEFORE GOING TO LEGAL ACTION? ANSWERED: \$500.00.

NEW BUSINESS:

PRESIDENT ALLEN CALLS FOR NEW BUSINESS. THE AC UNIT FOR THE MULTIPURPOSE ROOM NEEDS TO BE REPLACED. DIRECTOR LOLLAR REQUESTS THAT GM AMMONS BE GIVEN PERMISSION TO SPEND UP TO \$9,000 TO REPLACE THE UNIT. SOME DISCUSSION BETWEEN THE BOD. DECISION MADE FROM ALL BOD TO TABLE THIS EXPENDITURE UNTIL THE NEXT MEETING. DIRECTOR MARTIN MAKES THE MOTION AND DIRECTOR ALVAREZ SECONDED THE MOTION, ALL IN FAVOR, THEY AYES CARRY AND NONE OPPOSED. THE MOTION TO TABLE CARRIES.

GM AMMONS PRESENTS INFORMATION CONCERNING TWO PROPERTIES FOR COURT ACTION. WRIT OF EXECUTION, NOT HOMESTEADED. THESE WILL COST APPROXIMATELY \$500 EACH. PRESIDENT ALLEN ASKED FOR A MOTION TO MOVE FORWARD WITH THE WRITS. DIRECTOR DALEY MAKES A MOTION AND DIRECTOR LOLLAR SECONDED THE MOTION. ALL IN FAVOR, AYES CARRY AND NONE OPPOSED, THE MOTION CARRIES.

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PRESIDENT ALLEN PRESENTS INFORMATION CONCERNING PETITIONING THE COMMISSIONERS COURT (TEXAS TRANSPORTATION CODE 542.007) DIRECTOR LOLLAR EXPLAINS THAT WE WILL HAVE TO LOOK AT THIS AND PROVIDE INFORMATION TO THE ASSOCIATION AND GET SIGNATURES. DIRECTOR LOLLAR MAKES A MOTION TO MOVE THE PETITION FORWARD AND DIRECTOR MARLOW SECONDED THE MOTION. ALL IN FAVOR, AYES CARRY, NONE OPPOSED AND THE MOTION CARRIES. PRESIDENT ALLEN FURTHER EXPLAINS THAT WE WILL BE ABLE TO CHOOSE THE ITEMS WE WISH THE SHERIFF TO ENFORCE.

THE RESERVE STUDY WAS NOT DISCUSSED.

GM AMMONS EXPLAINS THE AGENDA ITEM-TWO YEAR COST OF LIVING INCREASE FOR ASSESSMENTS. THE DEED RESTRICTIONS ALLOW THE ASSOCIATION TO RAISE DUES BY 2% ANNUALLY. IT IS ACCUMULATIVE AND COULD BE RAISED BY 4% IN 2025, WHICH WOULD BE A \$2.00 INCREASE. PRESIDENT ALLEN ASKED FOR A MOTION. DIRECTOR ALVAREZ MAKES A MOTION TO TABLE THE COST-OF-LIVING INCREASE UNTIL THE NEXT MEETING AND DIRECTOR MARLOW SECONDED THE MOTION. ALL IN FAVOR, AYES CARRY, NONE OPPOSED AND THE MOTION CARRIES.

PRESIDENT ALLEN ASKED IF THERE WERE ANY FURTHER DISCUSSION OR QUESTIONS.

PRESIDENT ALLEN WILL ENTERTAIN A MOTION TO ADJOURN. DIRECTOR LOLLAR MAKES A MOTION TO ADJOURN THE ANNUAL MEETING AND DIRECTOR DALEY SECONDED THE MOTION. ALL IN FAVOR, AYES CARRY AND NONE OPPOSED. THE MOTION CARRIES AND THE MEETING IS ADJOURNED.

ADJOURNMENT: 10:54 AM

Shunda Lollar, POA Secretary