

MINUTES

Minutes of the Special Board of Directors Meeting for the Murrayhill Woods Condominium Owners Association held at 6:00pm on February 6, 2018 in the clubhouse at 9450 SW 146th Terrace, Beaverton, OR 97007

The meeting was called to order by chair Torey Farnsworth at 6:00pm.

Quorum Present: Yes

Board Members in attendance: Torey Farnsworth, Chair
Nicole Stewart, Director
Mike Helmuth, Treasurer
Aaron Dent, Director
Patty Higham, Director
Robert Rioux, Director

Board Members absent: Lynsi Sitton-Knieling, Secretary

Guests in attendance: Karen Showers, Unit Q3

Others in attendance by invitation: Kevin Harker, Community Assoc. Law Group
Mark Vandervest, Community Manager
Cindy Vandervest, Office Manager
FRESH START Real Estate, Inc.

Proof of Notice: 72 hours notice for the meeting was publicly posted in all bulletin locations throughout the MHW condominium community.

Welcome & Introductions: Chair Torey Farnsworth opened the meeting by welcoming all of the board members in attendance, Mr. Harker, and Owner Karen Showers. Chair Torey asked community manager Mark Vandervest to run the meeting. Mark moved forward to the Owner's Forum.

Owners Forum: Karen Showers asked for an update with the fire in unit A-4 and when the parking enforcement would be taking place.

Approval of Agenda: Community Manager Mark Vandervest asked for approval of the Agenda with the addition of one small proposal to be discussed from Great Garden Landscaping for tree pruning. A motion was made by Mike to approve the limited Agenda as modified. The motion was seconded by Robert and was unanimously approved.

Old Business:

Parking space foreclosure update and Q&A. Mark introduced Kevin Harker to the Board and guest. Kevin informed the Board that the judge denied the motion to intervene. Kevin identified the following options for the Association:

1. The Association could pay the taxes and continue paying the taxes for all 113 parking units moving forward. Such taxes would need to be identified as a line item in future budgets.
2. The Association could do nothing within the 2 year redemption period and the ownership of the 113 parking units would revert to the County.
3. The Association could amend the governing documents to identify the 113 parking units as general common elements and thereby no future taxation would take place.

Kevin identified 25 covered parking units and 88 uncovered parking units that are unassigned through the declaration and that the Association retains control over. These are the 113 parking units identified in the foreclosure action.

Several questions were asked by the board members and Kevin Harker was asked for his recommendation.

Kevin recommended that the best option for the Association would be the following:

1. Draft and send a letter to the Declarant to determine initial intent and liability for conflicts drafted in the governing declarations.
2. Draft and send a letter to the law firm who drafted the governing documents to help determine the intent of the governing declarations and determine liability for conflicts in the governing declarations
3. Modify the Governing Declaration to indicate that the parking plat designations P.U., C.P., and N would all be changed to general common element parking spots in the amended declaration. No future taxation would take place against the General Common element parking spaces. The value of the 113 parking units would be divided and added to each of the 174 unit owners in Murrayhill Woods.

If there is any liability found by the Declarant of the Drafting Law firm, some costs may be recouped. In any event, Kevin recommended that the Board consider a modification of the Governing Declaration to clarify the parking unit designations, and to change all parking units to be identified and general common elements under the control of the Association. It would take the County and State 2-3 weeks to review and approve the proposed modification. The cost to draft the letters would be less than \$300, and the cost for the Governing Declaration modification would be approximately \$700.00.

Mike motioned to move forward the drafting of letters as recommended above. Robert seconded the motion, and the motion passed unanimously.

Torey motioned to move forward with the Governing Declaration modification as recommended. Patty seconded the motion, and the motion passed unanimously.

In the interim, Kevin will contact Washington County legal counsel and attempt to negotiate the payoff on the current and past due taxes.

Kevin will negotiate the interim payoff for delinquent taxes.

New Business:

Tree Pruning: Mark presented a proposal from Great Garden Landscaping for some needed pruning in the amount of \$900.00.

Mike motioned to approve the proposal from Great Garden Landscaping. Torey seconded the motion and the motion passed unanimously.

Schedule Next Meeting:

The next scheduled meeting will be on February 26, 2018 at the MHW Clubhouse.

Adjournment:

Torey Farnsworth motioned to adjourn the meeting at 6:33pm. Patty Higham seconded the motion.

Submitted by:
FRESH START Real Estate, Inc.
Community Manager

Minutes for violation hearings scheduled with the Board of Directors for the Murrayhill Woods Condominium Owners Association held on February 6, 2018 in the clubhouse at 9450 SW 146th Terrace, Beaverton, OR 97007

Quorum Present: Yes

Board Members in attendance: Torey Farnsworth, Chair
Nicole Stewart, Director
Mike Helmuth, Treasurer
Aaron Dent, Director
Patty Higham, Director
Robert Rioux, Director

Board Members absent: Lynsi Sitton-Knieling, Secretary

Guests in attendance: Kevin Bolick, Resident at Unit A3
Scott Crawford, Owner of Unit G7
Nelson Lee, Owner of Unit D8 (& unknown guest)
James Hust, Owner of Unit S6
Tracee George, Resident at Unit U3

Others in attendance by invitation: Mark Vandervest, Community Manager
Cindy Vandervest, Office Manager
FRESH START Real Estate, Inc.

The following hearings were heard by the Board Members in attendance. Chair Torey requested that Community Manager Mark Vandervest run the hearings.

6:37pm: **Smoking violation hearing with Kevin Bolick, Tenant in Unit A3.** Mr. Bolick presented his defense by suggesting that the Board waive his smoking violation because he was unaware of the smoking amendment and never received notice of the violation. When asked if Mr. Bolick received a copy of the Rules and Regulations when he received his new facility key, Mr. Bolick responded by saying yes, but that he failed to read the three page document. When asked if he was aware of the No Smoking signs posted at each entrance of the Community, Mr. Bolick responded by saying that he has never noticed them. The Board thanked Mr. Bolick for attending the hearing and informed him that he would receive notice of the Board decision in writing.

6:51pm: **Patio violation hearing with Scott Crawford, Owner of Unit G7.** Mr. Crawford presented his defense by informing the board that the reddish tarp on his patio has been there for several years and covers his two bicycles. Mr. Crawford admitted that at the time the violation photo was taken, several things were pulled out of his storage closet because he was building organizational shelving, and that as of the date of this hearing everything has been cleaned up. Mr. Crawford suggested that he would be happy to purchase a beige, neutral tone cover for his bicycles and respectfully requested that the Board waive his fine. The Board thanked Mr. Crawford for attending the hearing and informed him that he would receive notice of the Board decision in writing.

6:59pm: **Window violation hearing with Nelson Lee, Owner of Unit D6.** Mr. Lee presented his defense by informing the board that the violation for non-conforming was unreasonable because the curtains have been in that window for many years. Mr. Lee informed the Board that he was in the process of selling his unit and that the Lease with the current Tenant ends on 3/31/18. Mr. Lee was asked if he was aware of several previous violations that his Tenant has been responsible for including prohibited foil in the windows, garbage placed outside of his front door for extended periods, parking violations, and pool area violations. Mr. Lee said that he was aware of those violations. Mr. Lee was asked if he had ever gone over the rules and regulations with his Tenant and he said no. Mr. Lee was asked if he was aware that his Tenant received a copy of the rules and regulations when his Tenant received a copy of the new facility key. He stated that he was unaware if his Tenant ever read the rules and regulations. The Board thanked Mr. Lee for attending the hearing and informed him that he would receive notice of the Board decision in writing.

7:07pm: **Patio violation hearing with James Hust, Owner of Unit S6.** Mr. Hust presented his defense by asking the Board if they were interested in a resolution, or only restitution? Mr. Hust requested that the Board waive his fine because he was painting and did not know that he could not place things temporarily on his patio. The only prohibited items on his patio were a ladder and a storage bin which he kept his paint in. He stated that everything was cleaned up the night that he received the violation notice. Mr. Hust is a new resident in the community and requested a chance to prove himself moving forward. The Board thanked Mr. Lee for attending the hearing and informed him that he would receive notice of the Board decision in writing.

7:13pm: **Common area violation hearing with Tracee George, Tenant of Unit U3.** Ms. George presented her defense by asking the Board to waive the fine because \$50.00 is too high

of a fine. Ms. George was asked if she had received a copy of the rules and regulations. She said that she did not recall receiving the rules. Ms. George was asked if she had received a copy of the new facility key. She answered yes. Ms. George was asked if she was included in the email distribution for newsletters, and she said yes, but rarely read everything. The Board asked Ms. George if she had any other comments in her defense, and her answer was that warnings should be given and the fine amounts should be lowered. The Board thanked Ms. George for attending the hearing and informed her that she would receive notice of the Board decision in writing.

7:25pm: **Hearing decisions**

The Board discussed the information presented at the hearings and came to the following conclusions:

Unit A3: Kevin Bolick smoking violation: The Board voted unanimously to enforce the fine.

Unit G7: Scott Crawford patio violation: The Board voted by majority to waive the fine, conditional on the replacement of the bicycle cover with a cover that is beige on or before March 1, 2018.

Unit D6: Nelson Lee window violation: The Board voted unanimously to enforce the fine.

Unit S8: James Hust common patio violation: The Board voted unanimously to waive the fine.

Unit U3: Tracee George common area violation: The Board voted unanimously to enforce the fine.

Adjournment:

Nicole Stewart motioned to adjourn the meeting at 8:10pm. Patty Higham seconded the motion.

Submitted by:
FRESH START Real Estate, Inc.
Community Manager