

**Minutes of  
Board Meeting of  
FALL CREEK VILLAGE HOMEOWNERS ASSOCIATION  
Telluride, CO  
December 13, 2012,  
4:00 P.M. (MDT)**

A board meeting of the Fall Creek Village Homeowners Association was held on December 13, 2012, at 3:05 p.m. All members attended by telephone.

**1. Call to Order:**

Mark Murray called the meeting to order at 3:05 p.m. MDT.

**2. Motion to Approve/Waive Notice of Meeting**

**Mark Murray made a motion notice was duly given. Brian Wohl seconded and motion passed.** Attendance of all members of the board in attendance therefore notices duly given. Attendance is a waiver of the notice.

**3. Roll Call and Determination of Quorum.**

**Owners Present Via Teleconference:** Board members: Mark Murray (Lot 3, 4 & 8), and Brian Wohl (Lot 1) and Lynn Black (Lot 5).

**Also present were:** Judi Balkind, HOA Manager, and Elizabeth (“Lettie”) Kuehn (Lot 6).

**Mark noted all board members were present. Acts of the board meeting will constitute a quorum.**

**4. Approval of the agenda. Brian Wohl made a motion to approve the agenda. Lynn Black seconded and the agenda was unanimously approved.**

**5. New Business:**

- a. Advance requests to speak on agenda topics.
- b. Final requests to speak on agenda topics.
  - a. No requests.

**6. Old Business:**

- a. Approval of minutes from 10/18/2012 board meeting. **Brian Wohl made a motion to approve the minutes, Lynn Black seconded and motion passed.**

**7. New Business.**

- a. Update on easements. Lynn Black contacted Brett at CDPHE state and he informed Lynn that long term leases for the septic system (property) are not a problem and satisfy the state’s requirement. Lynn suggested that Erin Johnson be directed to prepare a lease with the same terms and conditions in the easement. Brett would like to review it the lease once it has been finalized. Once Brett has everything he needs it should be fine. Lynn and Erin spoke and reviewed things that need to be in the easement. Erin stated that the present drawings are acceptable to use and the HOA may not need to hire Foley unless it is turned into an easement. In the lease agreement, language needs to be inserted that once Lynn Black property sells, then the lease needs to be converted into an easement agreement. **Mark Murray made a motion to authorize Erin Johnson to prepare the necessary documents to pursue a long term lease on Lynn Blacks’ property for the septic system on which will satisfy the state. Erin Johnson is authorized to finalize and record it. Brian Wohl seconded – Lynn Black abstained. Motion passed.**

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- b. Review of Lynn Black's agreement. Erin Johnson will change the agreement into a lease agreement as noted above.
  - c. Accounts receivable. Mark did not agree to forgive Lettie's past due charges. Brian agreed there was no discussion to give her any relief on past dues charges. One owner, Lettie Kuehn continues to be delinquent in payment of her HOA dues. Discussion ensued – Mark did not agree to forgive Lettie's past due charges. Brian agreed there was no discussion to give her any relief on past dues charges. It was noted that Lettie had renters in her house, using the water, etc. She is presently 8 months behind. **Mark Murray made a motion in the event Lettie Kuehn cures with the bank but does not pay her outstanding HOA dues, we move forward with foreclosure on her property. Brian Wohl seconded the motion and motion passed. Mark made a motion authorizing Erin Johnson to look into the finer points of a judicial foreclosure as long as there are not impediments with the current foreclosure. Lynn Black seconded and motion passed.**
  - d. Update on Telluride Gravel and Foley. No updates on Telluride Gravel.
8. Other Business and Owner comments:
- Lettie's house has no tenants and it looks like there is no heat in the house. No heat will lead to the pumps freezing and the water line breaking and it is unclear as to where the shut off is next to her house. It may be buried. Lynn asked if we can notify the bank prior to the foreclosure. Erin suggested the bank should be notified and asks the bank to winterize the property. Lynn will call the attorney for the bank and the state of Colorado.
  - Lynn stated we received a letter from the state for new testing. Stan stated we may be able to get a waiver because the system is small. **Mark Murray made a motion to the extent we are requesting an application for a waiver for additional testing that Lynn Black and Erin Johnson provided such documentation to the state. Brian Wohl seconded the motion and motion passed.**
9. Next meeting date and place. A board meeting will be held on January 17, 2013 at 3:00 p.m. MST via teleconference.
10. Adjournment. **Mark Murray made a motion to adjourn and Lynn Black seconded, all in favor and the meeting was adjourned.**

Respectfully submitted,

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By: Jarmik Property Management, Inc.  
Judi Balkind, Fall Creek Village HOA Manager