

**Crestlake Homeowners' Association Board Meeting**  
**St. Joseph Township Building**  
**January 15, 2015 - Immediately following the Annual Meeting**

Call to order at 7:43pm

Daniel Wilson/President - present  
Art Rapp/Vice President - absent  
Dennis Hueber/Treasurer - present  
Adāna Adāms/Secretary - present  
Mike Birt/Sergeant at Arms – present  
Michele Guido/Member at Large - present  
Jaime Kofoot/Member at Large – present  
Tyson Royer/Member at Large - present  
Bethni Gill/Member at Large - present

Approval of Minutes from November 21, 2014 Meeting

Michelle Guido moved approval.

Dennis Hueber seconded.

Motion unanimously approved

Treasurer's report – Dennis Hueber

Accounting Report from Judie Puzey was emailed to members on December 3, 2014.

Secretary's report – Adāna Adams

Home sales:

518 Cedar (Todd & Bethni Gill)

Committee reports

Architectural – Mike Birt – no report

Web and Communications – Mike Anderson

Mike emailed the committee that he has had communication with Matt Crider, a Crestlake Homeowner who is interested in taking over the homeowner website. Daniel will contact Matt and speak to him.

Open issues

Jaime will report on the findings of an audit of HOA collection files. The question was asked if the HOA is receiving the \$250.00 late fees once all fees are paid by the homeowner. Attached is a report of Jaime's findings.

It was decided that the CHOA board members will review the current By-Laws and make changes. Those changes will be submitted to Jaime Kofoot before the next meeting and she will bring a redline document to the March board meeting for committee review.

Next Board meeting – March 19, 2015

Adjournment – at 8:20pm

Dennis Hueber moved to adjourn.

Jaime Kofoot seconded.

Motion unanimously approved.

**2015 MEETING DATES: Jan 15 \* Mar 19 \* May 21 \* July 16 \* Sept 17 \* Nov 19**

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Audit prepared by Jaime Kofoot of Anna Benjamin's office.  
Sent to the Crestlake HOA committee on Jan 21, 2015

**ISSUES REGARDING ATTORNEY'S FEES**

**QUESTION NO. 1:**

Why, after the homeowner has paid their balance, does the HOA end up with less than \$150.00?

ANSWER: It is unethical for attorneys (or anyone) to charge for services that have not yet been rendered if there is no contract or agreement for those services in advance. Therefore, Anna cannot bill a homeowner for any anticipated time she will spend on that file after the payment has been made, unless we want to go back after the homeowner for any remaining balance; however, it will be an unending circle of collection efforts. If we want to try to recover some of these expenses, my suggestion would be to increase our late fees. (\*REFER TO QUESTION AND ANSWER 2 BELOW FOR ADDITIONAL INFORMATION ON THIS TOPIC.)

**QUESTION NO. 2:**

The HOA Board asked me to pull random collection files that Meyer Capel had handled in an effort to review the attorney's fees billed vs. what the HOA received and to look further into those invoices for a thorough review of the efforts made by the attorney (i.e. were their charges justified, etc.).

ANSWER: I reviewed the following files:

HOA vs. Patel \$22.00 deficit to HOA  
HOA vs. Spisok \$8.57 deficit to HOA  
HOA vs. Knight \$493.50 deficit to HOA. Debtor declared bankruptcy.  
HOA vs. Croft \$337.25 deficit to HOA – Board's decision to not pursue.

**QUESTION NO. 3:**

What is the status of the Croft file?

ANSWER: This file has been closed, per Judie Puzey's e-mail to Anna Benjamin of Meyer Capel of May 9, 2014, which included e-mails from a majority of the Board expressing their vote to stop collection efforts. Due to those e-mails, Anna advised the Debtor that the matter had been settled and her file was closed. At the June board meeting, the Board then made the decision to continue collection efforts against the Debtor. First, that decision was never conveyed to Anna. Second, had it been conveyed, Anna probably wouldn't have been able to do anything about it since it was "resolved". At the very least, the HOA ate \$337.25 in fees.

**ADDITIONAL NOTES REGARDING ATTORNEY'S FEES:**

1. When collection efforts first began in 2009, Meyer Capel opened 20 files against 20 homeowners. As of the date of this memo, Meyer Capel anticipates opening 1 file for the 1 remaining homeowner unpaid for 2014. Significant progress has been made in this area.

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2. Francis Jahn is the HOA's corporate attorney. He has never billed the HOA for documents he has either been served with or received via mail as the HOA's Registered Agent. He has also charged a fraction of his normal hourly rate when billing for preparation of our annual reports and/or any other corporate matters on behalf of our HOA.

3. When I reviewed bills generated by Anna Benjamin, I couldn't believe how little we were being charged for the amount of work she was performing. For example, we were charged \$35.00 on one entry for her to appear at a hearing, prepare a Motion and send a letter to Judie Puzey. When I discussed this with her on 01/15/15, she indicated that she didn't feel right charging our HOA for all of her time based on my employment with the firm.

4. After speaking with Anna, it was made clear to me that, pursuant to Article IV, Section 10 of the By-Laws, no board members are able to be compensated for their time serving on the board. In order to change that, we would have to amend the By-laws either by having 20% of the members attend a meeting and vote in our favor, or sending a letter to all homeowners and asking for their vote to be returned via mail back to us (where we would still need a 20% vote in our favor). The likelihood of this happening is probably slim. She wanted to remind us that we serve in a corporate capacity. Our dues are a personal matter.

My personal opinion on all things related to our attorneys is the same opinion I have related to all things regarding Judie Puzey. We are blessed beyond measure to have someone of their caliber assisting us for pennies on the dollar and we would be shooting ourselves in the foot if we irritated either office.