

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting
DATE: January 10, 1994
PRESENT: Rich Culpin, Howard Ellis, Peter Stanton, Tom McMenemon, Bill Buchsbaum, Sharon Stanton. Absent: Mary Anne Benton, Rich Van Camp.
LOCATION: Rec Center

Meeting was called to order at 3:00 pm. Minutes from December meeting not available due to absence of secretary.

TREASURER'S REPORT. Statement provided by Pete Stanton, showing that we began 1994 with a balance on hand of \$18,503.60. \$7,606.60 is being reserved for updating and renovating of the Rec Center. Pete also submitted a letter that is to be sent to all of the membership with the 1994 dues assessments. Dues for the year will be \$650.00 per home. Members are being asked to pay only for the first half of the year, with the hope that dues may be reduced when the Altamira situation is resolved.

OLD BUSINESS. Altamira Compound. Rich Culpin submitted a proposed letter to Altamira, drafted by Peter Ives. This letter was discussed and approved and will be sent to Kurt Sommers, attorney for Altamira.

Jim Hays Development. The written response to Jim Hays regarding lot assessments was discussed. Howard Ellis reported that Jim is contacting London, Diker and Alexander for a united response. We will check with our lawyer regarding developers' voting rights prior to the sale of their lots.

Paseo Cresta Compound. Bill Buchsbaum brought up the condition of Paseo Cresta Road, and the need to have it graded. He will submit a letter to Howard Ellis of the ARB. Howard will then follow-up with contractors involved in the construction on Paseo Cresta. The policy of reimbursement for road grading was explained and Mr. Buchsbaum agreed that Paseo Cresta has been treated equitably.

Rec Center Operations. Sharon Stanton, Rec Center Activities Director, requested clarification regarding reserving the Rec Center. The Board outlined the requirements. Sharon will maintain a scheduling calendar. An honor system kitty box will be maintained for soft drinks. A \$60.00 deposit will be required for private parties. This will insure that the facility will be returned in clean condition. If not, the deposit will be forfeited to cover cleaning expenses. It was again emphasized that the Rec Center cannot be used for any commercial ventures.

The board approved a monthly cleaning expenditure at a cost of \$60.00. This cleaning will be performed on the Saturday before the second Monday of each month, to be clean for the monthly board meeting. The cleaning will be done by Elsie Archuleta, sister of Ignacio Herrern, 1-757-6926.

NEW BUSINESS. Election Forum. The question was raised about inviting mayoral and City Council candidates to speak to our group. This was discussed and rejected due to the low number of registered voters and full time residents here. It was suggested that this be referred to NENA.

Meeting adjourned at 4:45 pm.

RECREATION CENTER FACT SHEET

1. The Estancia Primera Community Services Association (EPCSA) was formed in 1990 in accordance with the Articles of Incorporation. In accordance with the Declaration of Covenants and Restrictions (Declaration), the EPCSA was governed by a Board of Directors (Board), initially consisting of the Developer. In 1991 the Developer included two Members on the Board. Since 1992 the EPCSA Board has consisted totally of Members elected by the Membership of EPCSA.

2. The Recreation Center was built on EPCSA common property by the Developer and was supposed to have been deeded to the EPCSA by the Developer. Because of financial problems, the Developer initially did not accomplish this. In accordance with the Declaration, Paragraph 5 and 3.5.h, the Board has the power to charge for the operation and maintenance of EPCSA common properties. In 1990, the Board of EPCSA under the auspices of the Developer initiated use of the Recreation Center and charged a operation fee of \$360.00 per year. This charge was continued through 1991 at which time operation of the Recreation Center by the EPCSA was temporarily halted. The Recreation Center was still the property of the Developer and mortgages on the Recreation Center were held by Sun Belt Bank in Dallas. Both the Developer and Sun Belt went in bankruptcy, and the RTC assumed control. In late 1991 the RTC initiated foreclosure action, at which time the EPCSA at the advise of legal counsel ceased to use the Recreation Center, since it was included in the foreclosure action. The RTC concluded their actions in September 1993 and cleared the mortgages on the Recreation Center, subsequent to which the Developer deeded the Recreation Center to the EPCSA. Therefore as of September 1993, the Membership of EPCSA owns the Recreation Center (Rec Ctr) and the common property upon which it exists.

3. Beginning in September, the Board initiated necessary repairs to the Rec Ctr and improvements in security, lighting, etc. As discussed at the 1993 Annual Membership Meeting, a Budget for getting the Rec Ctr back into operation was created out of existing EPCSA funds. Further, a Budget for annual operating expenses would be initiated in 1994. The operation fee for the Rec Ctr would be in addition to the EPCSA general annual assessment.

4. Based upon the experience of operating the Rec Ctr during the year 1991, a 1994 operating budget and fee schedule was created and is included with the 1994 Assessment notices. The operating budget is somewhat greater than in 1991 due to inflation and experience, but the annual operation fees will be less since the Membership has grown.

5. A set of Rules & Regulations for operation of the Rec Center will be forthcoming for every property owner

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting
DATE: March 14, 1994
PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon.
LOCATION: Rec Center

Meeting was called to order at 3:05 pm. Minutes accepted from January 10, 1994 and February 28, 1994.

TREASURER'S REPORT. A copy of the audit was provided; no problems were identified. Dennis Martinez (the CPA who conducted the audit) recommended that we obtain an appraisal for the common properties. Tom said an appraisal is only good for three months, and would cost \$4000 on a commercial building. No action was taken.

OLD BUSINESS. Miscellaneous Items. Elsie Archuleta will be hired on an as needed basis, rather than automatically every month, for cleaning of the club house. The jogging trail down in the arroyo belongs to the association. A question was raised about maintenance of the trail from Altamira down to Aspen Compound. Further questions were raised regarding insurance and liability. Peter Ives will be queried re: this matter.

Cumbre Vista Homeowners have been incorporated and are in place as an association. Aspen Compound is still underway. Pete asked that board members review the proposed changes he coordinated for the covenants and restrictions.

Altamira Compound. Howard Ellis and Rich Van Camp provided a draft response. Response was approved with minor changes, as attached. Revised letter will be delivered ASAP.

Jim Hays Development/ New Development Fees. No response received yet about the assessment.

Rec Center Operations. Rich reported on cost estimates to make repairs to the pool. One section of cement has collapsed, and needs investigation and repair. Pool appears to be costing more than we anticipated. An updated iron work estimate was provided for \$2900. Still waiting for bids on security for tennis court and pool combined.

COMMITTEE REPORTS. Architectural Review Board. ARB has developed new instructions for builders to be added to application process. Board discussed whether responsibility for road damage (and associated deposits) should belong to EPCSA or to individual associations. Any new applications will provide that deposit for road damage will be handled by the individual association.

Total height for lot 13 still under question. Tom reported that Hayden (surveyor) will supply completed information by the end of this week. Klee has provided an interpretation of "20 feet above natural ground level." Some are using 20' above the lowest point of the natural ground level. Board agrees for now to continue with its current interpretation.

Changes to ARB guidelines were approved with modifications.

Next Meeting: Monday, April 11, 1994, 3:00 pm.

Meeting adjourned at 4:40 pm.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting
DATE: April 11, 1994
PRESENT: Mary Anne Benton, Rich Culpin, Howard Ellis, Peter Stanton, Rich Van Camp, Tom McMenemon, Jane Buchsbaum. Rich Van Camp absent.
LOCATION: Rec Center

Meeting was called to order at 3:10pm. Minutes accepted from March 14, 1994.

TREASURER'S REPORT. Most of the dues are paid up for first half of 1994.

OLD BUSINESS. Lawsuit against EPCSA by Altamira Compound. Two are paid in full, and three are in escrow, for all current and past due dues. There are thirty lots in total.

Howard turned in our response; no reply has been received as of today. Peter Ives heard from K Sommers, and called Howard last Friday (4-8). There is a meeting on Tuesday, 4-12-94. Sommers is advising immediately lifting the lawsuits and the liens. On another issue, question was raised about the declarant needing to request joining the EPCSA, and what action is taken if there is no longer a declarant. Howard will discuss with P. Ives.

Rec Center. Pool repair estimates are approximately \$15,500 maximum. If pool does not need re-plastering, it would be \$3500 less. New security bid was \$3650, not including the locks or the electrical work. Locks would be \$750. The electrical work is still out to bid. These bids are double from last year, so additional bids are being sought.

COMMITTEE REPORTS. Architectural Review Board. Karam's were objecting over the status of their deposit re: road repair. ARB responded to Bill Buchsbaum that all road damage must be assessed, and all owners assembled to make a decision on how to allocate the percentage of damage caused. It was likely not all caused by the current three properties under development. It has been thirty days since a response. Board agreed to ask for a response within the next 2 weeks. Otherwise, fees will be refunded. There is disagreement over whether the master association is responsible for road repair. Board clarified that contrary to certain opinions, the other roads have not been maintained by EPCSA. All received grading, but this was done equally, and no other repairs were made.

Lot 13 is in compliance according to a letter from Hayden (survey). Hayden did not apparently do the survey; he will have the person who did call Howard back. There is some concern that one are is still 1 - 2 feet over.

Last Sunday morning there was loud construction at the Ginsburg house. Howard communicated the new regulation re: Sunday work. Ginsburg also said the application he signed did not have the restriction. It was recommended that all current projects be notified of the new regulation, effectively immediately. Pete moved to increase the deposit for damages be increased to \$1000, refundable after final inspection, subject to any losses suffered. Tom seconded. All in favor. Rich moved that fines can extend up to \$250 per infraction, to be assigned by the Board, to be forfeited from the deposited monies. Tom seconded. All in favor.

Application for lot 15 in Cumbre Vista was received, turned over to neighborhood ARB, which denied their recommendation, and passed it back to master ARB. They said that the building as proposed is not compatible with other homes adjacent, "not compatible or complimentary." Master ARB asked for more information. ARB feels that the C & R's allow the application. There was discussion about which association has final authority. It is a northern NM ranch style house with sloped roof. P. Ives said that the master ARB has final authority to approve. ARB's position is that we cannot deny the application

since it meets the written requirements. P. Ives recommended holding a meeting with all parties; meanwhile he will review in detail the legal issues. Howard Ellis submitted his resignation, citing unprofessional treatment and threats from the President. Tom will call P. Ives tomorrow to get a legal opinion.

NEW BUSINESS. Use of Rec Center, Rules Committee Review. Revised rules were submitted. Each board member was asked to review them before the next meeting, and Jane will continue to supervise it.

Aspen Compound Association. Tom is working to get it organized; having some difficulty recruiting members to serve on the local association. City will not pick up garbage; claim the street is not wide enough. Tom said he will call the City to complain. Aspen Cmpd. is much larger than La Viveza, which has regular garbage pick-up.

Next Meeting: May 9, 1994

Meeting adjourned at 5:00 pm.

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION - MINUTES

Saturday, April 16, 1994

Attendees:

Rich Culpin
Rich Van Camp
Tom McMenemon
Pete Stanton
Jane Buchsbaum

1. Motion by Rich Culpin to accept the resignation of Howard Ellis and ~~Steve~~ Berkelo of the EPCSA ARB. Seconded by Rich Van Camp.

Motion passed: For (RVC, RC, TM, PS) Abstain (JB)

2. Motion by Tom McMenemon to accept height on lot 13 as documented by the surveyor. Seconded by Jane Buchsbaum

Motion passed: For (RVC, RC, TM, JB) Against (PS)

3. Motion by Rich Culpin to ask John Klee to resign from the ARB effective April 18, 1994. Seconded by Rich Van Camp.

Motion passed: For (RVC, RC, TM, JB, PS)

4. Motion by Rich Culpin to appoint new ARB members from each neighborhood. New members include: Pat Hauter, Mary Lawton, and Robert Dunn. Seconded by Rich Van Camp.

Motion passed: For (RVC, RC, TM, JB) Against (PS)

5. Motion by Rich Culpin that calling the EPCSA attorney must be approved by the Board of Directors

Motion passed: For (RVC, RC, TM, PS)

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting
DATE: May 6, 1994
PRESENT: Mary Anne Benton, Rich Culpin, Rich Van Camp, Tom McMenemon, Jane Buchsbaum. (Plus new appointees to ARB: Mary Lawton, Pat Haueter, Robert Dunn, Mary Walta).
LOCATION: Rec Center

Meeting was called to order at 11:05 am. Minutes approved from 4-16-94 (special meeting).

COMMITTEE REPORTS. Architectural Review Board. Rich Culpin moved, and Rich Van Camp seconded, that Mary Lawton, Pat Haueter and Robert Dunn be appointed, with one alternate (Mary Walta). All in favor. It was recommended to look at changing the by-laws to call for one representative from each subdivision. This will be presented for a vote of the membership at the annual meeting.

ACTION: Tom M. moved that we transfer responsibility for the Cope-Martinez house project back to the ARB, seconded by Rich Culpin. All in favor. Rich Culpin asked the ARB to keep in better communication with the Board, especially on controversial applications.

ACTION: Rich Van Camp reminded us that we need to have the C & R's revised for a vote of the membership at the annual meeting.

OLD BUSINESS. Lawsuit against EPCSA by Altamira Compound. A new lawsuit was filed against EPCSA, with a request for documents. Negotiations have broken down between EPCSA and Altamira. A meeting is being planned between P. Ives, and our representatives and K. Sommers and Altamira's representatives. No one is aware of what provoked this.

New Tract Developments. Developers (Hays, London, Diker) are attempting to distance themselves from EPCSA. P. Ives says they should be required to join EPCSA. Apparently some prospective buyers of Hays' lots are being told they will not have to join. Tom McMenemon will research the deeds to make sure they still include EPCSA covenants and restrictions.

ACTION: Jane Buchsbaum moved that we put the developers on notice, regarding our position, and to notify buyers and potential buyers about our covenants and restrictions, subject to P. Ives reviewing the deeds. Seconded by Rich Culpin. All in favor.

Garbage Pick-up on Aspen Compound. Tom said he called the city. They want a letter of damage release form the residents. He will be getting a weight load certification from the road engineer to the residents, so the association can write the letter.

Rec Center Update and Rules. A final draft was submitted. To be reviewed and approved at next meeting. The tennis court restoration has been completed. Pool and rec center repairs are well under way. Pool will be filled next week to test the heating and filtering systems.

Paseo Cresta Road Situation. A letter was received from the Paseo Cresta Homeowners Association, asking for financial relief to cover their road damage. It was stated by the board that tract roads are the sole responsibility of the tract associations for maintenance and repair. Jane will communicate our response back to the association.

ESTANCIA PRIMERA

COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting
DATE: 5/9/94
PRESENT: Mary Anne Benton, Rich Culpin, Rich Van Camp, Tom McMenemon, Jane Buchsbaum. *Pete Stanton and Tom Thiel absent.* Guests: Rec Center Committee Jeanne Culpin, Jeanne Gozigian (Pat Haueter absent)
LOCATION: Rec Center
Meeting was called to order at 8:15 am
Minutes accepted from 4/12/94 and 5/7/94.

NEW BUSINESS
New Secretary
Rich Culpin nominated Jeanne Gozigian to be secretary, replacing Mary Anne Benton until new elections. Second by Rich Van Camp, all in favor.
Rec Center Rules
Minor changes were made to the rules that had been drafted. Mary Anne Benton will get together with Jeanne Culpin to type up the final version, for distribution ASAP.

Meeting adjourned at 9:00 am

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting

DATE: 5/9/94

PRESENT: Mary Anne Benton, Rich Culpin, Rich Van Camp, Tom McMenemon, Jane Buchsbaum. Pete Stanton and Tom Thiel absent. Guests: Rec Center Committee Jeanne Culpin, Jeanne Gozigian (Pat Haueter absent)

LOCATION: Rec Center

Meeting was called to order at 8:15 am. Minutes accepted from 4/12/94 and 5/7/94.

NEW BUSINESS. New Secretary. Rich Culpin nominated Jeanne Gozigian to be secretary, replacing Mary Anne Benton until new elections. Second by Rich Van Camp, all in favor.

Rec Center Rules. Minor changes were made to the rules that had been drafted. Mary Anne Benton will get together with Jeanne Culpin to type up the final version, for distribution ASAP.

Meeting adjourned at 9:00 am

would be approximately \$300 plus the 1994 dues,

4. Mr Stanton suggested that if only dues were to be considered, a reformulated debt closer to \$1,200 plus the 1994 dues would be incurred by each homeowner,
5. A cautionary note was that it could be construed that Altamira homeowners received no services for the past due years as they do their own road and grounds maintenance,
6. Mr. Cohen reiterated that as EPCSA does not have a clean case, and in order to avoid what could be years of litigation, settling for the \$10,500 is the more responsible and prudent action.

Mr. Ginsberg and Mrs. Buchsbaum then spoke to the reasonableness of looking at the past expenses which would support the \$10,500 figure, ether to determine its accuracy or to arrive at an amount based on EPCSA calculations rather than Altamira calculations. Mrs. Buchsbaum explained that at least the Board is agreed on an approach which will be to avoid the Altamira Board and to develop a plan for settlement which would be presented to individual Altamira homeowners such as Mr. Downar. Mr. Stanton, Mr. Ginsberg and Mr O'Brien agreed to research the figures immediately. Mr. Cohen reminded the Board that soon another fiscal year will conclude and 1995 dues will be assessed to further aggravate the problem. He advised speedy action.

Mr. Culpin then asked for the election of officers by the Board for 1994/95. The results are as follows:

President - Peter Stanton,
Vice President - Theodore Ginsberg,
Treasurer - John O'Brien.

As there are vacancies on the Board a person will be sought specifically to fill the position of Secretary.

NEW TRACTS:

Mr. Culpin then introduced Edward London, a resident of Altamira and the developer of Tract U (Los Nidos). Mr. London explained that while he very much wants and expects to be a good neighbor within EPCSA, his lawyers (at least 3) have advised him of the following:

1. Tract U is not a part of EPCSA and as of their reading it had not been annexed,
2. It can be annexed only with the consent of EPCSA and Mr. London - his consent is necessary,

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting

DATE: July 11, 1994

PRESENT: R. Culpin, P. Stanton, T. McMenamen, J. Buchsbaum,
J. Gozigian, Mary Lawton of EP ARB

LOCATION: Rec Center

Meeting called to order at 8:10 AM
Minutes from May 26 special meeting with altamira
reps and June 14 regular meeting approved.

TREASURER'S
REPORT

P. Stanton presented his monthly report (see
attached copy). The June 30 total, after a
\$3,000 transfer of funds from reserve and
subtraction of June expenses, is \$2270.04.
\$9,000 in dues has been deposited in July.
Expenses are still running under estimate.
Recent expenses: \$150-170/month for gas
(pool heating and hot water), \$95.00 for
pool pump repair, \$300/month for pool
chemicals.

OLD BUSINESS

ALTAMIRA P. Stanton reported on the June 14
meeting with Altamira reps at K. Sommers law
office. Present were K. Sommers and D. Downer
for Altamira, and P. Stanton, R. Culpin, and
R. VanCamp for EPCSA. D. Downer offered \$10,500
on behalf of Altamira residents, as settlement
for past unpaid dues; in addition, he promised
payment of 1994 assessments. The actual amount
owed by Altamira is \$85,000; the compromise
suggested to Altamira by EPCSA Bd. of Dir. was
\$32,000. After discussion, the EPCSA accepted
the offer. K. Sommers agreed to draw up an
acceptance of terms to be signed by all parties
and D. Downer promised a check for the settlement

ALTAMIRA continued by the week's end. To this date it has not been received. Communication with Downer and Freida Donecker, treasurer of AHA, has yielded nothing further, other than abdication of authority to issue a check until the AHA Bd. of Dir. meets (July 15?). R. Culpin will ask Peter Ives to fax a letter to K. Sommers suggesting that a breach of agreement may exist unless the situation is resolved promptly.

POOL J. Gozigian reported that all seems to be going well with the pool. After some incidents of attempts to gain entry by unauthorized persons, Officer C. Romero of Neighborhood Watch was contacted. A special patrol was put in place for 21 days. No further incidents have been reported.

NEW BUSINESS

KACHINA HILLS P. Stanton reported that he had lunch with J. Hays and Larry Higbee. At that time, they expressed a disinclination to join EPCSA or have a local homeowners' assoc. R. Culpin : we have a letter from J. Hays (1993) agreeing to a per lot assessment, but added that Hays is not a large money partner in Kachina. R. Culpin said that Mary Lawton and Mary Walta of the ARB propose annexation of new tracts to gain needed control over problems that new tract entry will present.

ROBERTO ALEXANDER TRACT R. Culpin attended a SF Planning Commission meeting at which D. Martinez of the city and Alexander attempted to gain approval for road and lot placement on the Alexander tract. A Commission member accused the EP community of abrogation of responsibility for drainage problems affecting Hillside, etc.. D. Martinez replied that the city has no record of unmet responsibility. The 1989

NEW BUSINESS
CONTINUED

ALEXANDER CONTINUED Benbone/Huston was cited. It was funded by EPCSA and showed that actual water movement was less after EP construction began than in prior years. "Preliminary", "Conditional" approval was given to the Alexander tract for 6 lots, to be accessed off Estancia Primera; the standard approved road must be landscaped to conceal its existence and two-story homes will be recessed into the earth to meet height and escarpment regulations.

Alexander will sign and abide by EPCSA ARB standards. London (Los Nidos) has indicated negative reactions.

ARB P. Stanton reported on two situations that need attention - an Aspen Compound TV antenna and a Paseo Cresta swamp cooler. The ARB will address these. R. Culpin reported on the Berkow satellite dish. He will have P. Ives send a letter. Mary Lawton, EP ARB, attended the meeting to present recommended changes to the Declaration of Covenants and Restrictions for Estancia Primera Community Services Association and the Bylaws of EPCSA, all amendments having to do with composition, selection and review procedures of the EP Master ARB. (See attached sheets) M. Lawton feels that these changes must be done correctly in order that ARB decisions be deemed binding. P. Stanton interjected that C&R's must have a 51% vote by membership in order to amend, Bylaws may be amended by a 2/3 vote of members attending the Annual Meeting. He also asked that the relationship between tract and Master ARB's be spelled out clearly, i.e., Master ARB makes decisions, but an appeal process gives final say to the EPCSA Bd. of Dir., because the Board appoints ARB members. M. Lawton will address this and circulate a clarification of the review process to the Bd. of Dir. for approval. P. Stanton moved that the review process proposed amendment be changed to reflect this language: R. Culpin seconded, approved. It was added that it should read that "The ARB give primary consideration

NEW
BUSINESS
CON'T

ARB con't to the recommendations of the tract ARB". It was added that View Management needs to be strengthened by the amendment procedure and changes need to be made in other areas; it was decided that these would be addressed later. P. Stanton moved that C&R and Bylaw paragraphs dealing with the ARB be provisionally amended in accordance with M. Lawton's recommendation, subject to approval of the membership. R. Culpin seconded, approved. Notification will be sent to members in the legally mandated period before the Annual Meeting, including proxys to be submitted by those unable to attend. M. Lawton also presented the issue of annexation. Given the fact that four developers are in various stages of planning or construction, future meaning for EPCSA is obvious. For example, J. Hays refuses to join EPCSA, but wants to offer buyers in Kachina Hills use of EPCSA rec facilities at a nominal cost. Mary Walta and Mary Lawton of the ARB agree that this proposed action be presented to the membership for approval at the Annual Meeting and be included in the proxy mailing. J. Buchsbaum moved that this be done, including the recommendations by the Bd. of Directors. Approved.

CANDIDATES FOR BOARD OF DIRECTORS The names of three nominees for the Bd. of Dir. ~~were represented and approved.~~ They are: Charles Austin of LaViveza, Ted Ginsberg of Cumbre Vista, and John O'Brien of Aspen Compound. Their nominations will be included in the proxy mailing. One Board space will remain open for a delegate from Altamira, when, and if, that situation is resolved.

Meeting adjourned at 9:42 AM

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Board of Directors Meeting

DATE: August 8, 1994

PRESENT: R. Culpin, P. Stanton, T. McMenamen, R. VanCamp, J. Gozigian, Mary Lawton of ARB

LOCATION: Rec Center
Meeting called to order at 8:10 AM
Minutes from July 11 meeting approved

TREASURER'S REPORT: P. Stanton presented his monthly report (see attached). He also explained the projected 1995 budget. At this time we have underspent estimated expenses by about 13,500 dollars. \$3,000 has been returned to the reserve account, to bring us back to the financial situation at the beginning of the fiscal year. There is the possibility of lowering member assessments to \$500, instead of \$650 levied this year. After discussion of uncertainties concerning the Altamira situation, i.e., probable legal costs, and the need to do major repairs on the Club House at the Rec Center, it was decided to leave assessments at the current level, reserving the option to lower rates in the second half of the year as new developments come in to EPCSA. Mary Lawton asked what is the current number of lot owners; R. Culpin replied 84.

OLD BUSINESS: R. Culpin commented on a letter from Hays again expressing reluctance of Kachina Hills to admit that this new development is naturally a part of the Estancia Primera community. The need to pass the proposed action of annexation to resolve this problem was discussed. P. Stanton said that 49 aye votes are required at the Annual Meeting. A review of Voters and/or proxies revealed that Aspen Compound is 100% covered (T. McMenamen), LaViveza 80% (R. VanCamp). P. Stanton is pursuing Paseo Cresta and R. Culpin Cumore Vista. J. Gozigian will catch remaining LaViveza.

OLD Mary Lawton asked how the votes would be tallied and
BUSINESS recommended that all be kept in writing, in case of any
continued con't possible future litigation. She said that there is a pressing
need to be very clear and well documented because of the
possibility of developers calling for a declaratory judgement.
Mary will reprint the mailed proxy as a ballot for the
Annual Meeting, for those members present. These will be
retained, as well as a record of who voted proxies for
those absent, and the official tally of the voting. R.
VanCamp will be in charge; he and J. Gozigian will act as
official talliers.
R. Culpin reported that Terretorial Title Co. asked for
the EPCSA posture on assuring title to buyers of land sold
by new developers. Terretorial will respect EPCSA's position.

ANNUAL
MEETING

Agenda and participation were reviewed (see meeting agenda)
Mary Lawton said that case law would suggest that the
home owners association is now the "Declarer". She empha-
sized the need to rush to record the annexation. R. Culpin
will present the issue to members, passing legal questions
to Mary Lawton and Peter Ives, EPCSA's legal counsel.
P. Stanton underlined the need to emphasize the possiblity
of lowering assessments that would be gained by annexation
and inclusion of Altamira.

ALTAMIRA R. Culpin reported on a letter sent to all AHA members. (See Copy)

NEW J. Gozigian reported on the request of several members to
BUSINESS extend the opening of the pool through September. After
discussion, it was decided that it was impractical to
operate the pool after Labor Day, due to losing the pool
manager to school and the complexities of attempting to
operate on volunteer labor.

R. Culpin reported that Ed London will be in town Aug 13-
20 and wants to meet with the Bd. of Dir..

R. Culpin said the bills have been sent to developers for
their share of weed cutting.

Meeting adjourned at 9:15 AM

August 10, 1994

Mr. Richard Culpin, President
Estancia Primera Community Services

Dear Mr. Culpin:

I, Richard W. Downar and my wife, Maria-Helena Downar, of 752 Calle Altamira, Lot 13, wish to avoid involvement in any further disputations between the Altamira Homeowners Association and Estancia Community Services.

We therefore request that we be allowed to become full members of EPCA, with all the duties, rights, and privileges of other members, by immediately paying our proportionate share of the \$10,500.00 tentatively agreed to for past AHA obligations to EPCA, plus our full, standard assessment for EPCA for 1994.

It is hoped EPCA will agree to this request and, if any subsequent agreement between EPCA and AHA should result in lower EPCA assessments of AHA obligations prior to 1994, it is expected that we shall receive appropriate reimbursement.

Sincerely yours,

Richard W. Downar
Maria-Helena Downar

Richard W. Downar
Maria-Helena Downar
752 Calle Altamira
Santa Fe, NM 87501

1.) 28 homes ALTAMIRA about 3000 a
 15 quantity items ranchard
 2.) 68,000
 + 20,000 94
 88,000 potential

★ August 17th
 ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: Special Board of Directors Meeting

DATE: August 13, 1994

PRESENT: R. Culpin, P. Stanton, R. VanCamp, J. Buchsbaum,
J. Gozigian

LOCATION: Rec Center
Meeting called to order at 8:30 AM

OLD BUSINESS: ALTAMIRA R. Culpin reported on an approach from Richard Downar, negotiator for Altamira on its aborted settlement with EPCSA. He proposed a method to allow individuals who favored joining the EP community to do so despite opposition of the AHA Board of Directors. R. Culpin requested that he compile a list of other AHA members who were in agreement or were leaning in that direction. Mr. Downar provided this, and sent a formal letter to R. Culpin outlining his proposal. A copy was provided to each board member (see attached). After discussion, R. Culpin moved that the Bd. of Dir. accept Mr. Downar's offer, that a letter be sent to all AHA members offering the same conditions, with a September 15 deadline. Those not accepting would be subject to restoration of all liens and penalties for past due fees. J. Buchsbaum seconded the motion, which was carried. This will be presented to the EPCSA membership at the Annual Meeting.

Meeting adjourned at 8:55 AM

3.) If you exclude 90% of all fees we set at \$30,000
 4.) Sept 93 we set contract for center \$10,500 + was proposed by altamira based on altamira services they didn't set
 5.) 10 are willing to join us. This is a big break in the wall, we can still enforce liens against others
 6.) Sylton taken - we do not have a clear case.
 7.) Review offer (1/2 of \$10,500) reviewed but 3000 + 94 drops we showed at least set back dues from each home owner \$1200
 8.) Note - offer since 1994 otherwise prob less each one would have to be calculated as some have already paid a little

10. Ted - Review figures to see if \$10,000 is reasonable

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES, ANNUAL MEETING, AUGUST 13, 1994

PRESENT: R. Culpin, R. VanCamp, P. Stanton, J. Gozigian, J. Buchsbaum, T. McMenamon, EPCSA attorney Peter Ives, and membership (see list)

Meeting called to order at 10:42 AM by President Richard Culpin in the EPCSA Rec Center.

OLD BUSINESS: Minutes from the 1993 Annual Meeting were supplied for the membership. Sylvan Cohen moved that the minutes be accepted as read. Bill Buchsbaum seconded the motion, which was passed.

Peter Stanton presented the Treasurer's Report. Mary Walta asked why the 1993 assessment was \$360.00 per property, while the 1994 assessment was for \$650.00? P. Stanton reminded her that the membership voted for an increase in dues to rehabilitate and operate the Rec Center at the 1993 annual meeting. B. Buchsbaum asked what comprised the dues-paying membership? P. Stanton answered that there are 72 completed homes and 12 lots; these figures do not include 28 homes and 3 lots in Altamira. Mary Lawton interjected with a reminder that members present should mark their ballots in order that they could be tallied during the meeting. S. Cohen moved that that 1994 budget be passed. Mark Tennison seconded the motion. Discussion: Arthur Fulgentiz asked why the budget was as much for the pool in 1995 as it was in 1994? R. Culpin noted that costs were low because of the modest sum paid to James Cordova, the pool manager, and that a raise was indicated for the 1995 season; in addition, if James were unable to continue, this cost could escalate. M. Lawton asked what is the end of the fiscal year for the EPCSA budget? P. Stanton responded that it is December. Bob LaTourette asked for an explanation of what is involved in the category of Grounds Maintenance. P. Stanton listed weed cutting, sidewalk repair, and tree spraying as typical costs. The category of Legal Fees was questioned, and P. Stanton noted that most were due to the Altamira litigation. Stan Schriber asked if any increases in major expenses for the pool were anticipated, and was told that, barring the unforeseen breakdown, it was not. M. Lawton asked if any property tax was paid on common areas? R. Culpin replied that it was considered to be a park, so not taxed. Ted Ginsburg asked if maintenance of the main road (Estancia Primera S.) was financed by EPCSA and not the clusters? R. Culpin stated that, in reality, EPCSA does these service for all, as most clusters lack operating funds to do road maintenance or are not organized at this time. Howard Ellis inquired about insurance for the Rec Center and was told that it included pool liability. S. Cohen reminded the membership of the motion on the board to pass the 1995 budget. The vote was taken and the budget was approved.

H. Ellis moved that kudos to retiring EPCSA Board members be included in the minutes; these included R. VanCamp, T. McMenamon, Mary Ann Benton (Secretary), and J. Gozigian (Acting Sec). Jeannie Culpin seconded and the motion was approved.

The slate for new board members was presented. The candidates were: Ted

moved that the motion introduced by E. Fry be amended to read that M. Walta be involved in future negotiations. Peter Gonzales seconded the motion. The vote was 34 for the motion and 22 against.

NEW BUSINESS:

Annexation of New Tracts - P. Ives gave an explanation of the process.

Amendments to EPCSA Covenants and By-laws - M. Lawton gave an overview of the changes recommended and why they were thought to be necessary.

The written ballots were tallied and the results read: There was a total number of 76 votes, 34 present and 42 proxy votes; one of the voters present did not turn in a ballot. The final vote on annexation was 72 yes, 1 no, and 2 abstain; the vote on amendment I was 71 yes, 4 abstain; on amendment II, 71 yes, 4 abstain; on amendment III, 61 yes, 5 abstain, and 9 no.

J. Gozigian reported for the Pool Committee, to explain how the first season after rehabilitation had gone and to ask for input from the community. It was agreed that people with different thoughts about pool policies would make their thoughts known.

THE MEETING WAS ADJOURNED FOR LUNCH AT ABOUT 1 PM

August 17, 1994

Stanton
Kunzberg
O'Brien
Austin
Buchsbam

To: The Board of Directors , Estancia Primera Community Services Association

From: Rich Culpin

Subject: Resignation from the Board of Directors effective Tuesday Sept. 6, 1994

I want to first thank the EPCSA membership for electing me to the Board of Directors of the Community and secondly, the Board for electing me to the position of President during these last two years. It has been a great honor to serve in this capacity and I appreciate the Board's support during my tenure as your president.

Now that my personal goals as president have been fulfilled, I feel that another member from the community should have a voice in the future direction of our Association. The goals that I have seen fulfilled are:

1. The recovery of the Recreation Center from the R.T.C., which was a very long, drawn-out and stressful ordeal.
2. Installation of an electronic security system for the Pool and Tennis Court Area, which included extending the height of the pool fencing and gate entry area.
3. Complete reconditioning of the pool area and replastering of the swimming pool.
4. Resurfacing of the tennis court and replacing the playing and maintenance equipment.

I cannot in good faith support those members of the community who wish to take a forceful approach to the Altamira situation. Either these people do not understand the conditions surrounding our disagreement or- they are being blindly led - or are caught up in an emotional endeavour. To label this approach of replacing leins and initiating litigation against the Altamira homeowners as reckless would be putting it mildly. We have spent some four (4) years in dialogue and negotiations with these folks to come up with our present opportunity. To now throw this into the winds is, in my opinion, fool hardy.

Both our legal council, Peter Ives, and homeowner, Sylvan Cohen, who has spent his legal career as a litigator in one of America's largest cities explained to us that "it's not a sure thing" to bring litigation against these folks. What with appeals and delays the timeframe (and legal costs) could go on for two to three years. It could cost the association anywhere from 30 to \$50,000 - and- we could lose! We could also be liable for their (Altamira's) legal fees! Our insurance only covers us in defense of our CCRs & By-Laws. It doesn't cover us in initiation of a law-suit.

I would caution the Board to give this situation some very, very serious consideration before it makes a decision not to accept the present offer from Mr. Downar and his sympathizers.

Thanks for all your consideration and support.

Sincerely,

Rich Culpin

Copies - Jean Gazizian
Rich Van Camp
Tom M. Menemone
Peter Ives / Sylvan Cohen

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION
CLAIMS ARE PRIVILEGED AND CONFIDENTIAL**

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Special Board of Directors Meeting

Date: August 17, 1994

Present: Charles Austin, Jane Buchsbaum, Richard Culpin,
Theodore Ginsberg, John O'Brien and Peter Stanton.
Guests: Sylvan Cohen and Edward London.

Location: Estancia Primera Recreation Center

The meeting was called to order at 8:05 A.M.

ALTAMIRA:

President Richard Culpin welcomed the new board members; Charles Austin, Theodore Ginsberg and John O'Brien. Mr. Culpin presented the results of voting held on a number of issues at the Annual Meeting of the EPCSA (August 13, 1994). A copy of the Annual Meeting notes are Attached.

Mr. Culpin explained the presence, at this special board meeting, of Mr. Cohen. Mr. Cohen is an Estancia Primera home owner and an attorney and a litigator of many years experience. Mr. Culpin asked Mr. Cohen for his opinion on the current situation between EPCSA and the Altamira homeowners. Briefly, he feels that no case is ever a sure thing and if asked he could probably describe a good defense that Altamira could present in court on certain of the financial issues. In his view an approach agreed upon by the EPCSA Board at its August 13th meeting was a wise one. This approach was presented to the EPCSA Annual Meeting on August 13th. It would entail accepting 1/28 of a total of \$10,500 from Altamira homeowner Richard Downar and then to proceed to approach the other Altamira homeowners on the same basis. The \$10,500 was the total settlement offer made by the Altamira homeowners earlier in the summer. Those who do not accept the offer would be subject to liens and penalties. The new board members asked for clarification and background information on the matter. Mr. Culpin and Mr. Stanton provided the following:

1. Altamira homeowners owe approximately \$88,000 in back dues and fees (through 1993, 28 homes at \$3,000 plus \$20,000 for 1994 dues),
2. If 1990 and 1991 are excluded the total amount due is \$30,000,
3. The 1/28 of \$10,500 offered as a total by Altamira

3. Mr. London is not under EPCSA jurisdiction at this time.

Mr. London went on to describe a letter from EPCSA - A.R.B. Chairwoman Mary Lawton to which he took exception. He said that his deed said nothing in regards to EPCSA review and approval of his plans. Mr. London's two final points were; that he is absolutely unwilling to be under the jurisdiction of the EPCSA - A.R.B. as he has his own covenants and those of the City, and he does not agree with the EPCSA special assessment discussed by the EPCSA Board for the development of new tracts. Mr. Stanton responded with concern and support for Mr. London's ideas. He informed him that at the annual meeting of the EPCSA a vote was taken to annex all new tracts. He expressed hope that Mr. London would agree to the relationship. Mr. Stanton did not comment on whether he agreed that Mr. London's approval is necessary for annexation. He did say that he disagreed with the A.R.B. Chairwoman's letter and would discuss that matter with her. He also said it would be necessary to supply all EPCSA Board members with minutes of the A.R.B. meetings. Letters which are sent to the public (other than current A.R.B. homeowners) would require EPCSA approval. The Board agreed. Mrs. Buchsbaum cautioned that Mrs. Lawton would take strong exception to the last requirement mainly because of delays and timing. Mr. London concluded with a timetable for construction of Los Nidos saying that he has the full go-ahead from the City and will require about 6 months to put in underground utilities. The homes will be built by a local builder in accordance with Mr. London's personal design.

POOL RULES:

Mr. Stanton read a lengthy letter from the Pool Committee in regards to rules for the pool. It was decided not to send this before season's end, but to either include it in the next packet of information to be sent to the homeowners or to place it in the next newsletter.

Mr. Culpin was sincerely thanked by the Board for his many years of outstanding service to the EPCSA and especially during his term as President. Many difficult issues have been faced and problems solved not the least of which is the recovery of the Recreation Center, and the establishing of its security system and the reconditioning of the tennis court and pool. His continued presence and leadership will be most helpful for the new Board.

The meeting was adjourned at 10:00 A.M.

Respectfully submitted Jane K. Buchsbaum

Acting Secretary

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
CLAIMS ARE PRIVILEGED AND CONFIDENTIAL**

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Special Board of Directors Meeting

Date: August 26, 1994

Present: Charles Austin, Jane Buchsbaum, Theodore
Ginsberg, John O'Brien and Peter Stanton.
Guest: A.R.B Chairwoman Mary Lawton.

Location: Estancia Primera Recreation Center.

The meeting was called to order at 8:05 A.M.

Mr. Stanton requested that Mrs. Buchsbaum take the minutes and that Peter Gonzalez would type them.

ALTAMIRA:

Mr. Stanton said that he had met with Mr. Ginsberg and Mr. O'Brien to look at all the figures regarding the Altamira assessments. The discussion and conclusions were as follows:

1. Mr. Stanton requested permission to send a letter to each Altamira homeowner in regards to their assessment. After adjustment the maximum for any homeowner would be \$1,750 although the actual amount owed is \$3,188.74. Adjustments were made on legal fees, interest and for non-use of the Recreation Center.
2. Mary Lawton asked if the Altamira homeowners would understand that these figures represented a big concession. Mr. Stanton answered affirmatively, as the negotiations have been on-going for a long time. Ms. Lawton suggested that a bigger point about concessions be made in the letter. Mrs. Buchsbaum suggested softening the tone of the second paragraph as the point is to bring them in, not to push them out. Mr. Ginsberg and Mrs. Buchsbaum will work on the language of the letter.
3. It was decided not to mention law suit until the very end. A response is requested which must be postmarked by September 15, 1994.
4. Mr. Stanton, in response to a question from Mr. O'Brien, assured him that all Estancia Primera members will be informed of the Board's actions via the newsletter.

5. Mr. Stanton will mail the corrected letters by August 29th to each individual Altamira homeowner. He feels confident that at the Annual Meeting the EPCSA membership voted to support the Board on this issue,
6. Mr. Ginsberg moved, and Mr. Austin seconded, a motion to mail a corrected letter to the Altamira homeowners by August 29th. The motion was approved.

ANNEXATION:

Mr. Stanton stated that at the Annual Meeting it was clearly decided to annex the several tracts tangential to Estancia Primera as described in our covenants. Annexation is a one way street. We do not need the approval of those who own the tracts.

A problem could exist due to the original declarant having to be the one to annex, but he has left the state. Unfortunately when New Mexico Resources went out of business they did not officially turn declarant responsibility over to any group. However, as EPCSA has acted as the responsible party we must continue to go forward. Our only course is to move to record the supplemental annexations.

Mrs. Buchsbaum moved, and Mr. Ginsberg seconded, a motion to pursue the annexation of 4 supplemental tracts. The motion was approved.

The meeting was adjourned at 10 A.M..

Respectfully submitted Jane K. Buchsbaum

Acting Secretary

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting

Date: October 10, 1994

Present: Jane Buchsbaum, Theodore Ginsburg, Peter Gonzalez, Mary Lawton, John O'Brien and Peter Stanton

Location: Estancia Primera Recreation Center

The meeting was called to order at 8:10 A.M. by the President Peter Stanton. Ms. Lawton moved and Mr. Ginsburg seconded the motion that the minutes of the September 12th Board meeting be approved as presented. The motion carried.

TREASURER'S REPORT:

The Treasurer, Mr. O'Brien, requested that a simplified format be used to present the budget and expenses. In response the Board expressed a need to see the year-to-date expenses versus budget, by category. Mr. Stanton indicated he would work with Mr. O'Brien to develop an acceptable Treasurer's Report format.

Mr. Stanton requested that the monies received from Altamira homeowners be accounted for separately, with the exception of that portion which represents 1994 dues. The "old money" may be used to pay for legal fees. At this time its distribution is uncertain.

The Treasurer's Report was approved as presented.

ALTAMIRA:

Mr. Stanton reported that an offer-of-settlement letter went out to the Altamira homeowners on August 29th. One letter went out a few days later, after a correct address was obtained. For three homes; a letter was sent to the present owners (for 1994 assessments) and a letter was sent to the previous owners (who have monies in escrow). One escrow account is held by Santa Fe Title Company and two are held by attorney Peter Ives. The former has indicated they will settle and the latter two will receive money back from us as soon as an agreement is reached. Six other homeowners have settled. Under the terms of the August 29th letter 20 liens were placed on Altamira properties.

Mr. Stanton explained that we will foreclose the lien on one Altamira homeowner and if we win no other will have "a leg to stand on".

Ms. Lawton clarified our litigation insurance position. If we file we are not covered by insurance, if we are sued we may be covered by our \$1,000 deductible policy.

Mr. Stanton outlined the criteria for the most likely foreclosure candidate as; someone who is an out-of-state resident, has a sizable mortgage, is not on the Altamira Board and preferably

owns two lots. A search for the candidate with the best match is underway.

Mr. Stanton extended an invitation to all Altamira homeowners in good standing to attend the Board meeting, none came.

ANNEXATION:

Ms. Lawton reported that a great deal has transpired since the last Board meeting. Several attorneys were interviewed, including Peter Ives. It was decided that Mary Walta would be the best choice, for both her ability as a litigator and the fact that she is "up to speed" on the matter. This will save us billable hours. Ms. Walta will work at a reduced rate of \$100 per hour and Ms. Lawton will work at a reduced rate of \$60 per hour.

Currently they are researching the status of New Mexico Resources Inc..

We have filed an answer and counter-claim to the Kachina Hills suit. Cliff Richards is the attorney for both Jim Hays (Kachina Hills), and Ed London (Los Nidos). We have requested copies of all the pertinent Kachina Hills files by October 10th. Mr. Hays is rethinking the slander action and may withdraw it.

Mr. London threatened to file a law suit after he was put on notice that Los Nidos would be joined.

Mr. Stanton indicated that Charles Dikes (tracts N, O and P) is represented by Earl Potter. Each developer wants out of the annexation, but on different terms. He advised that we should not negotiate separately.

The Gallegos Law Firm has sent a letter to our insurance company informing them about the pending litigation.

ARCHITECTURAL REVIEW BOARD:

Mr. Stanton suggested the formation of a Compliance Committee to inspect the development on a monthly basis. They would look for architectural violations or other related matters which need attention. A committee chairman needs to be designated.

Mr. Stanton indicated that Mr. Austin wishes to resign from the Board and consequently from his position of Grounds Maintenance Chairman. He will make recommendations for his replacement.

Mr. Stanton requested a review, by the A.R.B., of the Architectural Guidelines and Covenants to determine if they provide sufficient control on merchant builders. In addition they are requested to review the dollar penalties for specific rule infractions to determine if they provide sufficient protection.

The Board agreed with the suggestion raised at the August 26th Board meeting that the cost of reviewing architectural plans should be passed on to the homeowner.

HOMEOWNER'S ASSESSMENTS:

The present annual homeowner association assessment and dues are \$650. Mr. Stanton feels that we should strive to reduce this

amount to a 1995 goal in the range of \$500 to \$550. This should be possible when the in-good-standing Altamira homeowners are included and with the assessment of new tracts, when lots are sold.

In addition we should strive to eliminate the operations fees and make the annual dues all assessments. The Board has the power to increase the annual assessments by 25% each year. He suggest that the assessments be increased and the operations fees be reduced by concomitant amounts until the operations fees are eliminated.

Mr. Gonzalez moved and Mr. O'Brien seconded a motion that the assessments for 1994 be increased by 25%, over the 1993 figure of \$360, to a total of \$450 and to reduce the operating fee by a like \$200 so that the net total payment will be the same. The motion passed.

SNOW REMOVAL:

Mr. Stanton explained that we must plow in all neighborhoods but that the independent tracts should reimburse EPCSA for the cost of the snow removal. Mr. Ginsburg suggested that if the costs are appropriately prorated charging the tracts would not be necessary and that this had been agreed to. Mr. Ginsburg volunteered to manage the snow removal for the coming winter, accepting a six inch snowfall as the usual plowing guideline.

COMMON PROPERTY INSURANCE:

Mr. Stanton reported that EPCSA has liability insurance for property common to all the tracts and each tract should have insurance for its common ground. Ms. Lawton suggested that the tracts be named as additional insured under the EPCSA policy.

OTHER BUSINESS:

1. A Halloween party will be held at the Recreation Center on October 29th. Co-chairs are Shawna Eisele and Kathy Tennison.
2. The next Board meeting will be held on November 14th.

The meeting was adjourned at 10:15 A.M.

Respectfully submitted Jane K. Buchsbaum,

Secretary

ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

MINUTES: WEEKLY BOARD OF DIRECTORS MEETING

DATE: 5 November, 1991

PRESENT: Howard Ellis, Rich Culpin, Dan Picaro, Ira Cohen,
Sean Gilligan and Pete Stanton

LOCATION: EPCSA Clubhouse

Treasurer's Report:

Ira Cohen stated that sufficient funds existed to cover projected expenses. He discussed the Association liability insurance coverage which raised questions as to exactly what we were paying for. It was agreed that Howard Ellis and Ira Cohen would meet with our insurance agent to clarify this issue. Ira Cohen indicated he has a list of Homeowners that are delinquent in dues payment. Billing will go out in December. The newsletter would be sent out in December after the situation with Altamira is more clear.

Old Business:

Altamira- Patterson is attempting to arrange another meeting with Principals from Altamira and Estancia Primera. If Altamira will not agree to abide by the approved legal documentation, we will take appropriate action. We will attempt to get this meeting arranged by December 1st.

Letter to City Manager- Peter Stanton prepared a letter, which was slightly modified and approved by the Board. Howard Ellis will send it out this week.

Racquet Ball Court- Arrangements are being made to give access to the Court through a side door and partition off the rest of the rec center.

New Business:

Delinquent Dues- It was agreed that we should send delinquent letters to all Homeowners other than Altamira. If we do not get a response, then we will initiate lien procedures. This will then set a precedent for our dealings with Altamira.

Martha Murray letter- The letter requested the Board for home office approval. After discussion, it was agreed to give approval with certain traffic limitations which if exceeded could require later reevaluation.

Homeowner documentation- The Board approved printing additional quantities and make them available for a nominal fee (primarily to cover the cost of reproduction). The cost would be between \$6.00 and \$7.00 a copy.

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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting

Date: November 14, 1994

Present: Jane Buchsbaum, Richard Downar, Theodore Ginsburg, Mary Lawton, John O'Brien and Peter Stanton

Location: Estancia Primera Recreation Center

The meeting was called to order at 8:05 AM by the President Peter Stanton.

Mr. Stanton welcomed Richard (Dick) Downar to the meeting as a potential new board member. Mr. Ginsburg moved and Mr. O'Brien seconded a motion to bring Dick Downar on the Board. The motion passed.

The minutes of the October 10th Board meeting were approved as corrected. A corrected copy will go into the permanent file.

INSURANCE:

Mr. Stanton reported that the individual tracts can not be carried in the master's (EPCSA) liability insurance. Each tract must take separate liability insurance and a letter to that effect has gone to the President of each tract. The EPCSA insurance covers only the Recreation Center and the designated common areas.

TREASURER'S REPORT:

Mr. O'Brien's report covered both September and October, bringing the Board up to date. After some discussion Mr. Ginsburg moved and Ms. Lawton seconded a motion to increase the 1994 assessment by 25% for 1995 bringing the total to the maximum allowable (\$560). The motion passed.

Mr. O'Brien pointed out that the 1995 Budget is \$5,000 below what had been presented at the Annual Meeting of August 1994. He went on to say that the Reserve is \$18,463. While it may seem high, it is not, based on the need for repairs at the Recreation Center. Mr. Stanton then reported on the status of Ms. Lawton as an intermediary lawyer representing the Board in working with the Gallegos Law Firm. Mr. Stanton said that unfortunately we cannot afford this position. However, if the insurance happens to come through and the Gallegos law firm requires the supervision they may reconsider the hiring of Ms. Lawton.

ALTAMIRA:

Mr. Stanton explained that he has been following the situation closely. Peter Ives is our attorney. The Altamira Board claims that EPCSA is not a legal entity and therefore had no authority to accept the Recreation Center. Mr. Ives will be making the case that although EPCSA was not formally named the Successor

Declarant we have acted responsibly in that capacity. Mr. Stanton reiterated that we do not intend to deal with the Altamira Homeowners Association, only with the individual homeowners.

ANNEXATION:

Mr. Ginsburg has been following the litigation. He explained that we have filed a motion for a "Summary Judgement". The various tract developers do not want to pay assessments for the Recreation Center. Mr. Ginsburg made reference to a letter from our attorney, Mary Walta, of November 11, 1994 describing the results of a meeting with the owners of tracts L, M, N, O, P, and Q. Ms. Lawton moved and Mr. Ginsburg seconded a motion to reject the proposals by the developers which Ms. Walta described in her letter and to move forward with the litigation. The motion passed.

ARCHITECTURAL REVIEW BOARD:

Ms. Lawton said that no actions has been taken. There are 12 lots, other than in Altamira, which can be developed. The Guidelines need to be revised.

RECREATION CENTER:

Mr. Stanton reported that the pool had been winterized and that a revised set of Recreation Center regulations were being prepared. They will be ready by January.

Mr. Stanton asked the Board if there were any objections to using the Recreation Center for duplicate bridge tournaments. It was agreed that there was no objection to private use of the facility as long as it has no commercial purpose.

ASPEN COMPOUND:

There is still a problem of no entity to deal with. The Covenants and By-Laws say there must be a board or committee. It was suggested to use Bob Tibbs, Art Fulgentiz and John O'Brien as a committee. Mr. Stanton said he would write a letter to the three men suggesting this.

SNOW PLANNING:

Ted Ginsburg is handling the plowing which will be done by EPCSA for the benefit of everyone. We will not plow in Altamira and we will give a refund to the paid-up Altamira homeowners.

ADDITIONAL ITEMS:

1. The Estancia trademark elapsed in 1992. Seemingly no one knew it had to be renewed. It has now been done on a 10 year cycle.
2. Our By-Laws need to be registered with the State Corporation Commission.
3. We will only assess Mr. Eagle in Altamira one-half the amount for 1994 as he did not receive a full year of service. He was in fact told that he could not use the Recreation Center in the summer of 1994 and was very upset. Ms. Lawton suggested that Jean Gozigian should issue him a Recreation Center entry card. There was no objection.

4. It was agreed to allow Howard Ellis to place a "For Sale" sign at the foot of Cumbre Vista or wherever he needs to place the sign.

The meeting was adjourned at 11:00 A.M..

Respectfully submitted Jane K. Buchsbaum

Secretary

**THE PORTIONS OF THESE MINUTES PERTAINING TO LITIGATION AND
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ESTANCIA PRIMERA COMMUNITY SERVICES ASSOCIATION

Minutes: Board of Directors Meeting

Date: December 13, 1994

Present: Jane Buchsbaum, Richard Downar, Theodore Ginsburg,
Peter Gonzalez, Mary Lawton, John O'Brien and Peter
Stanton.
Guest: Rich Culpin.

Location: Estancia Primera Recreation Center

The meeting was called to order at 8:00 A.M. by President Peter Stanton. Dick Downar moved and Mary Lawton seconded a motion to approved the minutes of the November 14th meeting as corrected. The motion passed.

TREASURER'S REPORT:

Pete Stanton stated that all homeowners are current in their dues as of December 13, 1994. This includes the eleven in Altamira who are members in good standing.

Peter Gonzalez asked if the Recreation Center costs were amortized? Mr. Stanton explained that all costs were paid as incurred using prior years funds plus a small loan from the reserve which was repaid.

The revised 1995 budget will be mailed to homeowners before year-end. Ted Ginsburg asked that the letter to the homeowners have clear language to ~~differentiate between fees and assessments~~. He was assured that the document will be clear. *only assessments & fees*

ALTAMIRA:

Pete Stanton explained that Peter Ives (EPCSA's attorney) has started the initial response (i.e. asking for discovery items). Nine Altamira homeowners are named in the original suit against the EPCSA. We have named the remaining homeowners who are also in arrears as third party litigants. This represents twenty properties. One of these has now called for a settlement. We will calculate his debt including legal fees.

ANNEXATION:

Pete Stanton described the recent activity with Kachina Hills. We filed a motion for a summary judgement, ~~and received a reply. We then replied by rejecting their proposal.~~ *we also received a proposal from Kachina Hills for a negotiated settlement* We are requesting a date from the Judge ~~in a movement~~ *for a summary judgement* for a summary judgement. If ~~there is to be no summary judgement, there will be a trial in August.~~ *just proposal for resolution* We have not yet decided whether to join the other tract members in this law suit. Kachina Hills appears to be a good case on its own. Mr. Stanton then informed the Board that Ed London is selling his property to Richard Brenner. Mr. Ginsburg said that based on a meeting with Mr. Brenner his feeling is that Mr. Brenner is inclined to join our Association. Mr. Ginsburg felt *which has been rejected*

that he made light of all the controversy. Mary Walta knows and speaks highly of him. Mr. Brenner's only concern was the assessment upon joining. He was assured that it would be no more than \$400 to \$500 dollars per lot for the Rec. Center and a parity for the reserve as the reserve belongs to everyone. This amount will be payable only when he sells the lots, not up-front. Mr. Brenner will be building all the houses. Rich Culpin asked if the City had allowed all transfer of permits from London to Brenner. The answer was yes.

Pete Stanton said ^{that} ~~the~~ Mr. Alexander has retained Leonard Katz as his attorney and definitely does not want to belong to the Association.

ARCHITECTURAL REVIEW BOARD:

Mary Lawton, Chair, said that a set of plans has been approved for La Viveza for a family named Quackenbush who will build in the Spring.

Paseo Cresta is handling a number of construction problems relating to the ~~Beck~~ residence.

The ARB guidelines will be ^{Back} ~~resolved~~ ^{revised} in the near future.

RECREATION CENTER:

Peter Gonzalez, Chairman, described several items he ⁵ ~~as~~ been dealing with;

1. The iron fence will be painted before the end of the year.
2. The spa (hot tub) plumbing is broken underground at an unknown point. The water lines go from the spa to the pool mechanical room, under the pool decking, but their exact location is not known. Fixing the problem will be very expensive. It is Mr. Gonzalez's recommendation that the spa be abandoned, filled with rocks and a wooden platform placed over it. Mrs. Buchsbaum asked if a children's wading pool would be possible there. The answer was no as the water can not be heated or filtered. Mr. Downar asked if it could be filled with dirt and planted. Mr. Gonzalez explained that it may backup into the big pool. In addition, if the spa is filled with clean river rocks the decision can be reversed in the future. Peter Gonzalez moved and Ted Ginsburg seconded a motion that the spa be abandoned and filled with rocks. The motion carried.
3. The stucco needs attention. The building parapet has some bad spots and if left unattended could cause damage to the structure. The yard walls around the front and back of the structure need repairs, their condition ranges from poor to fair. This is an esthetic problem. The walls of the building have some cracks which at some point will need attention though they are still quite serviceable. Mr. Gonzalez has asked two plastering contractors to look at the building and provide repair estimates for the three areas outlined above. Only Plaster Inc. has responded to date. They provided three price ranges for products having a one, five or seven year warranty. The yard walls would costs from \$4,500 to \$8,100

the main building from \$10,000 to \$18,000. They did not provide an estimate on the parapet repair stating that would depend on the product chosen for the main repairs. The Board requested several more quotations. Mr. Stanton and Mr. Ginsburg provided the names of plastering contractors. Mr. Stanton said that we would pay for the repairs either by monies in the reserve or in the budget for the Rec. Center. Ms. Lawton requested a phased program for the repairs with estimates that the Board could evaluate. Mr. Gonzalez agreed and will seek more bids before making a recommendation.

Mr. Gonzalez expressed the need for a ladder for use inside the building and for climbing onto the roof. Mr. Stanton offered to sell the Association one of his for half price (\$75). A motion to buy the ladder was made by Mary Lawton and seconded by Dick Downar. The motion passed.

SNOW PLOWING:

Mr. Stanton said that a snow plower has been hired at approximately \$60 per hour. Ted Ginsburg is handling this.

COMMON PROPERTY LIABILITY INSURANCE:

Mr. Stanton explained that we were seeking one policy which would cover the common property of the tracts at the same fee or \$360 for \$1,000,000 of coverage. Mr. Culpin suggested that we ask Mr. Ives for his opinion as there should be a blanket policy. The roads are public in that they can be used by anyone. They are privately owned but freely accessible to anyone.

PARTIES:

Mr. Culpin thanked the Board for organizing a good Halloween party. Peter Stanton explained that his wife, Sharon, is trying to get different homeowners to take responsibility for the various parties.

Peter Gonzalez explained that when persons ask to use the Rec. Center a \$100 deposit is requested for damages. The host is responsible for cleaning the facility. In the event that the cleaning is not done the costs of cleaning will be put against the deposit. The new Rec. Center rules will make this point clear.

GROUNDS:

Mr. Stanton asked Mr. Downar to take responsibilities for the grounds. He explained that there is a budget for the maintenance, upkeep and beautification of the common property. Mr. Downar accepted the position.

OTHER ITEMS:

1. It was requested that Peter Gonzalez place a street number on the Rec. Center that is clearly visible from the road.
2. The trademark certificate in effect since 1982 will be placed in the office files.
3. The changes of amendments to the Covenants and By-Laws will be recorded and will be slipped into booklets already

printed.

4. It was agreed to move the Board meeting date to the second Tuesday of every month.

The meeting was adjourned at 9:30 A.M.

Respectfully submitted Jane K. Buchsbaum

Secretary