

**APACHE HILLS PROPERTY OWNERS' ASSOCIATION, INC.**

**MINUTES**

**BOARD Meeting**

**March 6, 2022**

**5:00PM**

**Zoom Meeting**

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**Meeting called by:** Trish Davidson - President

**Type of meeting:** Regular Board Meeting

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Attendees            Trish Davidson – President  
                              Joe Donavan – Treasurer  
                              Ann Krpichak – Secretary  
                              Bob Spreenberg – Director  
                              Mark Trierweiler – Director  
                              Tom Roose – Director  
                              Gregg Andersen - Director

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*Minutes*

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Discussion:

Judge Springstead ruled in favor of Defendants SNC Cottages by Summary Disposition regarding AHPOA's litigation with SNC Cottages. Costs were awarded per AHPOA covenants to the prevailing party.

The attorneys representing AHPOA felt strongly that the judgment was too narrow in scope and did not address recent case precedents regarding HOAs and STRs or certain other covenant stipulations, was a minority opinion and included a case that was mis-cited with a good case for reversal including fees by the Appellate Court.

Examples of certain opinions in Judge Springstead's ruling stated it was not a rental if personal items were in the rental. He also stated he did not define this as a business if there was not a sign in front of the house or no nuisance would take place because SNC's contract states parties were not allowed!

Our attorneys, Hirzel Law, have offered to oversee an appeal case to the Appellate Court for a flat fee of \$10,000 including costs. The appeal will be in front of 3 Appellate Court judges, judges, randomly picked.

The appeal will take up to a year and a donation of \$5000 has been made by a member toward the cost of the appeal.

**ACTION ITEM:**

**VOTE by the board to proceed with appeal as recommended by Hirzel Law, moving forward by submitting an appeal to the Court of Appeals regarding the AHPOA vs SNC litigation.**

Mark motioned for the Board of Directors to vote to continue to the Court of Appeals with Hirzel Law Firm representing us with the \$10,000 flat fee including costs. Joe seconded the motion.

The vote was taken and passed with six members in favor and one member opposed.

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President, Trish Davidson was asked to response to the recent emails sent out to the membership by Gregg Andersen and Penny Bennett.

Trish will send an email to the members of the association addressing the non-sanctioned meeting information sent out by Penny Bennett. Trish stated that the petition, which is separate from the unsanctioned meeting notice submitted by Ms. Bennett, requires 25 signatures for the board to call a special meeting and bylaw stipulations

required by AHPOA's bylaws regarding a special meeting. Emails were sent to Ms. Bennett regarding bylaw stipulations not being met with definitions regarding the special meeting notice sent out to members by Ms. Bennett and the petition requirements for the board to call a special meeting.

**Meeting adjourned at 5:51PM**