

Lakeview Estates Homeowners Association

Minutes of Annual Meeting

July 30, 2005

Meeting was called to order at 2:20 by President Mark Lourie.

Attending in person or by proxy: Anastase, Bristol, Carroll, Cowen, Day, Fong, Hicks, Hunt, Jenkins, Kinney, Kroll, Longtin, Louis, Lourie, Lynch, Magner, Roach, Rovzar, Simmons, Strong, Wilson, Winn. 28 lots were represented..

President Lourie introduced and welcomed new members.

Motion. (Winn/Kroll) to accept minutes of 2004 annual meeting as distributed. Passed.

President's Report:

Mark thanked Edna and Bill Winn for their efforts in coordinating our legal undertakings against members with dues in serious arrears.

Paul Magner was recognized for his work on the common lot including improving trash removal and organizing the clean up day. Paul was also recognized for coordinating the road work.

Barbara Kinney was commended for her work on code enforcement and "conditions of approval" between the Patten Corp. and the Town of Fayette. Barbara was also thanked for her work on a new sign for visitors and potential buyers. She hopes to add a waterproof box for information to the sign.

Richard Hicks was thanked for creating a new owners information packet which was distributed to local realtors and for his continued work as webmaster.

Mailboxes are a work in progress. Ed sent a letter to the postmistress indicating that we would like to start with 25 boxes.

Finally, Marked thanked the association for all of its support during his tenure as president and offered his help to whomever we elect to replace him.

Treasurer's Report:

Attached (including status of legal proceedings)

Common Lot and Road Committee:

Bill Winn reported a high level of satisfaction with our current plowing contractor and proposes renewing (see new business). Bill noted that the road needs mowing soon. He supports the establishment of a five year road improvement plan. Chet Day remarked on a particularly troublesome area of the road where he has experienced damage to his vehicle. He expressed

concern about association liability. Randy Stone volunteered to take over as Road Chairman and was approved by unanimous consent. Members with concerns about the road or those who wish to serve on the committee may contact Randy by email at NLC@pivot.net.

Motion: (Winn/Lourie) The board shall investigate and be authorized to execute a longer term plowing contract with our current provider, seeking a reduction in cost. If no longer term deal is forthcoming, the association approves the proposal as presented. Passed.

Motion: (Day/Kroll): To allocate up to \$3,000 for repair of fences, retaining wall and stairs for the common lot. Board of directors is to solicit estimates, select contractors, and disburse funds. Mark Rovzar offered to write specifications for bidding. Passed.

By-Law Committee

Richard reviewed a list of proposed changes. Proposed changes will be mailed to the membership after legal counsel has made comments for preliminary approval. The association will vote on proposed changes at its next annual meeting. After discussion, Liz Hicks agreed to retract her proposed change regarding quorum.

Elections:

Edna Winn was elected President by unanimous consent

Ed Cowen has another year in his term as Vice President

Liz Hicks has another year in her term as secretary

Joe Longtin was elected treasurer by unanimous consent

Mark Lourie will continue as our registered agent

Other Business

Common Lot clean-up day will be Sat, Oct. 8.

The 2006 annual meeting will take place on July 29th at 4:00 followed by a dinner social.

Motion: (Hicks/Kroll) Adjourn 4:15 passed.

Lake View Estates Homeowners Association
Treasurer's Report
Fiscal Year 2005

During Fiscal Year 2005, Lake View Estates Homeowners Association (LEHA) collected \$11, 674.02 in dues (annual maintenance fees) as follows:

\$ 9,603.00	Fiscal Year 2005 dues paid.
<u>2,071.02</u>	Dues paid in Fiscal Year 2005 for prior years.
<u><u>\$11,674.02</u></u>	Total dues paid in Fiscal Year 2005.

Accounts Receivable, as of May 31, 2005, totaled \$26,860.40.

As of May 31, 2005, our checking account balance was \$15,071.31.

Attached are the following reports for Fiscal Year 2005:

- Balance Sheet as of 05/31/05
- Detail of Accounts Receivable as of 05/31/05
- Income and Expense Comparison for FY 2000 — FY 2005
- Report on legal proceedings — Edna Winn
- Bank of America (formerly Fleet) statement dated 05/31/05

The third annual Common Lot cleanup will be held on October 9, 2005. Notices will be mailed to all members in September. This has been an extremely successful and enjoyable event each year.

Members are asked to review the information on the current Membership List (name and address information is on the front and e-mail addresses are on the back), and make any necessary changes on the sheet that is being circulated for that purpose. Also, please provide both home address and LEHA address.

Respectfully submitted,

Bill Winn, Treasurer

Lake View Estates Homeowners Association

July 30, 2005

Lake View Estates Homeowners Association
Accounts Receivable
as of 05/31/05

Updated on 05/15/05	Lot	Name	Resident of	Current Balance	Status
1	20	Bradley Swinnerton	Massachusetts	\$ 7,804.97	Lien
2	23	Richard Cavaco	Rhode Island	15,462.52	Lien
3	39	Anthony Cerrato	Massachusetts	0.00	Lien discharged Jan. 2005
4	41	Alan Moyer	New Hampshire	200.00	Lien discharged Apr. 2005
5	47	Mike Strong (GSA)	Maine	2,601.47	Lien
6	59	Alan Wilson	Maine	0.00	Lien
7	60	John Robinson	Massachusetts	345.73	Lien
8	48	Oakley	MA	445.71	Past due
				\$26,860.40	Total as of 05/31/05

Bill Winn, Treasurer
76 Meridian St.
Melrose, MA 02176

billwinn@comcast.net
781-662-9343 (MA)
207-293-2975 (ME)

**Lake View Estates Homeowners Association
Balance Sheet
Fiscal Year 2005**

ASSETS

Checking	15,071.31
Treasurer's Expense	(129.94)
TOTAL	<u>14,941.37</u>

Other Assets

Outhouse	1,091.96
Common Lot	3,900.00
Accounts Receivable	26,860.40
TOTAL OTHER ASSETS	<u>31,852.36</u>

TOTAL ASSETS	<u><u>46,793.73</u></u>
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LIABILITIES & EQUITY

LIABILITIES

Other Liabilities	0.00
Liability	0.00

TOTAL LIABILITIES	<u>0.00</u>
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EQUITY	46,793.73
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TOTAL LIABILITIES & EQUITY	<u><u>46,793.73</u></u>
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Lake View Estates Homeowners Association
Income and Expense Comparison
06/01/99 - 05/31/05

	F.Y. 2000	F.Y. 2001	F.Y. 2002	F.Y. 2003	F.Y. 2004	F.Y. 2005	Overall Total
INCOME							
Legal Income	1,100.00	0.00	0.00	0.00	0.00	1,167.29	2,267.29
Maintenance Fees	8,287.63	13,537.42	11,435.59	11,131.07	11,541.12	11,674.02	67,606.85
TOTAL INCOME	9,387.63	13,537.42	11,435.59	11,131.07	11,541.12	12,841.31	69,874.14
EXPENSE							
Bank Charges	0.00	0.00	0.00	0.00	5.00	28.90	33.90
Caretaker Expense	0.00	0.00	0.00	0.00	50.00	0.00	50.00
Common Lot							
8 new trash containers	0.00	0.00	0.00	0.00	0.00	587.00	587.00
Dock & Fence Repairs	0.00	2,427.00	785.10	260.28	0.00	0.00	3,472.38
Dock In & Out	160.00	210.00	210.00	645.00	450.00	255.00	1,930.00
General Maintenance	21.00	60.00	226.00	0.00	547.58	227.25	1,081.83
TOTAL Common Lot	181.00	2,697.00	1,221.10	905.28	997.58	1,069.25	7,071.21
Contribution - Fayette Fire Department	0.00	0.00	100.00	100.00	100.00	0.00	300.00
Contribution - Walter Morris	0.00	0.00	0.00	(150.00)	0.00	0.00	(150.00)
Insurance	300.00	625.00	87.00	750.00	750.00	750.00	3,262.00
Legal Expense							
Collection	(125.65)	0.00	0.00	0.00	0.00	0.00	(125.65)
Hufnagle, Lake & Condon	1,277.00	133.00	227.00	111.00	136.00	0.00	1,884.00
PretiFlaherty	0.00	0.00	0.00	0.00	106.80	664.31	771.11
TOTAL Legal Expense	1,151.35	133.00	227.00	111.00	242.80	664.31	2,529.46
Meeting Expense	50.00	25.00	25.00	25.00	25.00	25.00	175.00
Non-Profit Fees	25.00	20.00	0.00	0.00	25.00	35.00	105.00
Road							
Repairs	1,698.00	1,409.00	1,678.00	2,246.00	2,185.70	2,365.25	11,581.95
Plowing & Sanding	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00	8,000.00	45,500.00
TOTAL Road	9,198.00	8,909.00	9,178.00	9,746.00	9,685.70	10,365.25	57,081.95
Supplies	282.15	438.01	352.91	427.97	308.61	592.12	2,401.77
Taxes	76.05	77.33	77.03	79.95	78.00	78.00	466.36
Trash & Recycling Pickup	360.00	280.00	0.00	0.00	400.00	410.00	1,450.00
TOTAL EXPENSE	11,623.55	13,204.34	11,268.04	11,995.20	12,667.69	14,017.83	74,776.65
NET GAIN/LOSS	(2,235.92)	333.08	167.55	(864.13)	(1,126.57)	(1,176.52)	(4,902.51)

Lake View Estates Homeowners Association
Report on Legal Proceedings
As of July 30, 2005

In October 2003 LEHA President, Mark Lourie, signed a contingent fee agreement with John P. McVeigh, Esq., an attorney with Preti Flaherty Beliveau Pachios and Haley, LLC, a law firm with offices in Portland, Maine; Augusta, Maine; Bath, Maine; and Concord, New Hampshire. This means that there are no “up-front” legal expenses. According to the agreement, the law firm receives fifty percent of the proceeds plus reimbursement of certain expenses, such as faxing, filing, postage, photocopying, and travel.

After providing information requested by Mr. McVeigh for each delinquent property owner, including name, address, and lien filings, a motion for summary judgment was filed in Kennebec Superior Court. The suit was against seven lot owners, four of whom later paid what they owed. The other three owners were given 90 days to pay what they owed. One of the three was granted an opportunity to sell his property by July 15, 2005. Since he has not sold his property, he will have 90 days from July 15 to pay LEHA what he owes. We have foreclosed on the two other lot owners who have not paid what they owed in the 90-day period ending July 19, 2005.

Based on information provided by Mr. McVeigh, we expect to publish notices of the sale of the three lots once a week for three consecutive weeks, in a local newspaper, and then hold sales of the lots by public auction. According to Mr. McVeigh, it is more economical to have one sale for the three lots. When the lots are sold, we will receive fifty percent of the proceeds, and the owners will be responsible for all attorney’s fees.

The following documentation is available to anyone who would like to see it:

- Letter from Edna Winn to PretiFlaherty – September 2003
- Mr. McVeigh’s initial request for information – October 2003
- Information provided by Edna Winn to Mr. McVeigh – October 2003
- Contingent Fee Agreement
- Complaint for Foreclosure of Association Liens – January 2004
- Affidavit of Edna Winn
- Judgment of Foreclosure and Order for Sale (Strong)
- Judgment of Foreclosure and Order for Sale (Swinnerton)
- Stipulated Order for Stay of Proceedings Concerning Cavaco Property, Pending Sale

We can expect to receive fifty percent of whatever is paid for the three lots no later than the end of calendar-year 2005. It would be impossible to make a preliminary estimate of the amount LEHA will receive as a result of the sale of these lots, but we simply cannot allow the situation to go on as it has for years. Having every lot owner pay dues every year is essential to our ability to meet our financial responsibilities at Lake View Estates.

Respectfully submitted,

Edna Winn
Special Assistant for Legal Issues