



## MINUTES OF THE TELLURIDE MOUNTAIN VILLAGE OWNERS ASSOCIATION

### BOARD OF DIRECTORS MEETING

JANUARY 29, 2015

<b>BOARD MEMBERS PRESENT:</b>	Jon Dwight, Jeff Proteau, Jeffrey Badger and Pete Mitchell
<b>BOARD MEMBERS ABSENT:</b>	Chuck Horning (Jon Dwight voting by Proxy) and Brent McLean
<b>STAFF PRESENT:</b>	Anton Benitez, Garrett Brafford and Sara Larsen
<b>STAFF ABSENT:</b>	None
<b>OTHERS PRESENT:</b>	Joe Solomon

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#### 1. Call to Order and Determination of Quorum

Chairman Dwight called the meeting to order at 4:00 p.m. MST. Chairman Dwight stated that he held a Proxy for Director Horning, and announced that a quorum had been established.

#### 2. Consent Agenda-Consideration and the Approval of the Following:

##### a. Minutes from the December 17, 2014 Board of Directors Meeting

Chairman Dwight asked for a **MOTION** to approve the Consent Agenda.

On a **MOTION** by Director Mitchell to approve the Minutes from the December 17, 2014 Board of Directors Meeting, seconded by Director Badger, the **MOTION** passed (5-0.)

##### b. Minutes from the January 19, 2015 Special Board of Directors Meeting

Chairman Dwight asked for a **MOTION** to approve the Consent Agenda.

On a **MOTION** by Director Proteau to approve the Minutes from the January 19, 2015 Special Board of Directors Meeting, seconded by Director Badger, the **MOTION** passed (5-0.)

#### 3. Delinquent Accounts Update per Collection Policy

Mr. Solomon stated that he has worked closely with staff on collections and that the strategy of noticing delinquent owners with a formal Notice of Board Hearing has brought most of the delinquent accounts current.

Mr. Solomon presented a breakdown of the collection efforts on the four pending collection lawsuits. This document has been made a part of the minutes.

Mr. Solomon stated that there is one additional owner that was summoned to appear before the board in the 1/29/2015 Board Meeting. Although this Owner had signed a repayment agreement in September of 2014, TMVOA has not yet received any payments and therefore he recommends that the Board authorize legal action to collect the delinquent dues.

On a **MOTION** by Director Mitchell to approve the following:

1. The Board has considered authorizing formal collection action against John David Thomas, Trustee of the 2010 Adams Ranch Road Trust. This Owner has not paid dues since January 2011. He has been repeatedly noticed according to TMVOA’s written collection policies, including being offered a payment plan, and agreeing to a written payment plan but immediately breaching the plan by failing to make any payments.
2. This Owner was noticed to this Board hearing by certified mail at least ten days prior to this meeting.
3. Is Mr. Thomas present and requesting to be heard before the Board?
4. Mr. Thomas not appearing, and the Board finding that action is appropriate, Motion is made to approve formal legal collection action be taken against John David Thomas, Trustee of the 2010 Adams Ranch Road Trust, for all delinquent dues, penalties, interest and attorney’s fees, currently in the amount of \$4200 (rounded), including a personal financial claim and an action for foreclosure on the Trust’s property, Lot 638-AR.

Seconded by Director Proteau, the **MOTION** passed (5-0).

On a **MOTION** by Director Mitchell, seconded by Director Proteau, the meeting entered into Executive Session at 4:12 p.m. MST.

**5. Executive Session pursuant to CRS Section CRS 38-33.3-308 (3) & (4)**

On a **MOTION** by Director Proteau, seconded by Director Badger, the meeting came out of Executive Session at 4:55 p.m. MST.

**6. New Business/Other Business**

Director Proteau stated that he has been working with a task force to evaluate the employee housing situation and to rank TMVOA’s developable sites. Director Proteau stated that there is a possibility TMVOA may want to hire an architect to do some concept planning to determine the land potential and get a better understanding of a needs assessment.

Chairman Proteau added that TSG has been asked to support the Town of Mountain Village’s Employee Housing project, but that they would like to see further analysis before they comment.

**7. Adjournment**

On a **MOTION** by Director Mitchell, seconded by Director Proteau, the meeting adjourned at 5:04 pm MST.

## MEMORANDUM

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To: Telluride Mountain Village Owners Association (TMVOA) Board  
From: Joe Solomon, Esq.  
Date: January 27, 2015  
Re: Collections

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As you know, I have been working closely with Garrett Brafford on collection matters. We are pleased to report that our strategy of noticing delinquent Owners, followed by TMVOA having me issue the formal Notice of Board Hearing, has brought most delinquent accounts current. There are however a few accounts that have required additional action.

### Pending Lawsuits

We now have four pending collection lawsuits.

TMVOA v. Matthew Witt, Lot 147-C: Mr. Witt lost his property to foreclosure by his primary lender on 12/5/14. We filed a personal action against Mr. Witt for the balance due. Mr. Witt was served with the lawsuit, but he failed to file an Answer. As such, we have moved the Court to enter a default judgment against Mr. Witt, in the amount of \$5700. That judgment should be entered within a month, at which point we will work to collect on it against Mr. Witt's personal assets.

TMVOA v. Kenneth Bryan Koda, Franz Klammer Unit E4: Mr. Koda still owns this property. He has not paid dues since January 2010. The amount due at this point is \$1400. The process server has been having difficulty locating Mr. Koda, who resides in Napa Valley, California. We went so far as to retain a private investigator, who is assisting in locating this individual. We have kept tight reigns on charges, just a few hundred dollars in basic investigative services. We have what we believe is a good address, and the process server is working on achieving service. We could serve by publication after a few more attempts, but, for many reasons, including the fact that the ultimate goal is payment, we are better off making personal service.

TMVOA v. Maris Madigan Trust, Lot 209: This Owner still owns this property. She has not paid dues since October 2013. The amount due at this point is \$850. The process server has been having difficulty serving Ms. Madigan, as she lives in a gated community in Bakersfield, California. We have asked our private investigator to assist in getting this individual served. Again we are keeping tight reigns on charges. Again, we could serve by publication after a few more attempts, but, again, for many reasons, including the fact that the ultimate goal is payment, we are better off making personal service.

TMVOA v. Maris Madigan Trust, Lot 628-M: This Owner still owns this property as well. She has also not paid dues on this property since October 2013. The amount due at this point is the same as the other Lot, \$850. Same service issues as stated above.

Owner Set For Board Action at the January 29, 2015 4:00 p.m. Board Meeting at TMVOA Offices

We initially noticed four Owners to this Board meeting. Three of the four Owners have now paid their dues in full to avoid the hearing.

One Owner has not responded, and is thus slated for action as follows:

John David Thomas, Trustee of the 2010 Adams Ranch Road Trust, owner of Lot 638-AR, aka 220 Adams Ranch Road: This Owner has not paid dues since January 2011. We initially noticed him to a Board hearing back in September 2014. Prior to the hearing, Mr. Thomas signed a repayment agreement, agreeing to pay off the \$4000 delinquent dues at the rate of \$700 per month. However, Mr. Thomas never made one payment on this agreement. As such, we noticed him to this Board hearing.

At this point, we are recommending that the Board authorize legal action to collect the delinquent dues.

As such, following is a draft motion for approval:

1. The Board has considered authorizing formal collection action against John David Thomas, Trustee of the 2010 Adams Ranch Road Trust. This Owner has not paid dues since January 2011. He has been repeatedly noticed according to TMVOA's written collection policies, including being offered a payment plan, and agreeing to a written payment plan but immediately breaching the plan by failing to make any payments.

2. This Owner was noticed to this Board hearing by certified mail at least ten days prior to this meeting.

3. Is Mr. Thomas present and requesting to be heard before the Board?

4. Mr. Thomas not appearing, and the Board finding that action is appropriate, Motion is made to approve formal legal collection action be taken against John David Thomas, Trustee of the 2010 Adams Ranch Road Trust, for all delinquent dues, penalties, interest and attorneys fees, currently in the amount of \$4200 (rounded), including a personal financial claim and an action for foreclosure on the Trust's property, Lot 638-AR.

Second to motion?

All in favor - - - [take vote]