

# Timbercrest Homeowners Association Meeting

Judson Robinson Community Center

Wednesday 26 October 2022, 6:30 to 7:30 PM

**14 Households Represented:** Sue Livingston, Jae Frazier, Julius Mayhorn, Angela Doucette, Angie Williams (AW), Todd Boring (TB), Shondra Boring, Fernando Ziegler (FZ), Felicia Ziegler, Melissa Walters (MW), Stager ?, Ada Guyton Bolton (AB), Frances Patton, Earl Latchey, Angel Latchley (AL), Kiley Williams, Jodi Williams, Zeb Poindexter (ZP), Anna Poindexter, Mary L. Williams, Mary Hines Williams

The meeting was called to order at 6:31 PM by President Todd Boring.

1. The meeting minutes from Wednesday, 29 September 2022 were reviewed by the members.
  - TB passed a copy of the minutes, as typed by our previous Secretary before the election.
  - Moved to approve the minutes with correction. AW made a motion to amend the minutes to include the vote counts per nominee. Motion was seconded. The body approved acceptance of the minutes.
2. An attempt to give a Treasurer's Report was made. Treasurer Nicole Ellis (NE) was not present.

Note was made that some balances do not include some of the following expenses:

- Constable services for meetings on 28 September and 26 October = \$60/
- New key for PO box = \$14
- Certified letter to Irvin Hanks = \$12
- Envelopes, paper, etc. = TBD

At this time the only person who has access to the funds is Irvin Hanks (IH), the former Treasurer, and nobody else.

- TB mentioned the IH has not released signing authority to the new Officers.
- IH has been difficult of reach to any calls or emails from TB or NE.

After the election, two of the new officers went to the bank to update signatories.

- TB and FZ went to Origin Bank to figure out add signatories to the HOA accounts.
- Liza Bryant, Assistant Banking Center Manager for Origin Bank (+1 832-918-3406 :: [lbryant@origin.bank](mailto:lbryant@origin.bank)) informed TB and FZ the only person who would be able to add or remove names at this time is the only individual on the account, IH.
- The only thing that is needed is for IH to add TB and NE.
- TB mentioned he sent IH a certified letter to the Timbercrest PO Box and a copy to his residence requesting a full financial report of the accounts.
- A full financial report has not been provided as of date.

Discussions:

- A motion was raised to vote on whether we should halt any more payments until the new Officers are put in the account and a review of the balances are made.
- A homeowner asked about current expenses.
- Another homeowner intervened and asked that we don't know what the expenses are since an updated report has not been given.

Moved to reject the Treasurer's Report. Motion was seconded. The body rejected the Treasurer's Report because it was incomplete.

3. Report on election dispute.

- TB reviewed the key points of the case against the HOA:
  - o Absentee ballots did not contain the require language.
  - o Some absentee ballots were counted (those submitted as specified in the ballot) while others (those collected by the candidates) were not.
- Case asked that:
  - o *Give the negatively affected Members who voted absentee the opportunity to submit a proper ballot and vote for the candidate seeking to fill the board of director position,*
  - o *Order the Association and its Board to conduct a new election and require it to obtain legal counsel to advise it on conducting a fair and compliant election.*

- *Plaintiff (MW and AM) asks the Honorable Court for \$10000 or what the Court deems appropriate in this matter.*
- TB received the lawsuit on Monday 24 October. Timbercrest HOA must respond before Monday 14 November or the requested judgement in the lawsuit will take effect.

TB has sought legal counsel. At this time TB said retaining one legal counsel, that being Quadros, Migl, & Crosby (or any other recommended legal counsel will be a \$3000 retainer). This will enable the HOA to file the required response to the lawsuit.

Discussion:

- A homeowner asked whether we could just represent ourselves. Multiple legal counsel informed TB that as an entity we must retain legal counsel and would not be able to represent ourselves.
- Same homeowner recalled a motion and vote was made to table proxy votes and the process for collecting was not followed. TB mentioned there should have been explicit language to the ballots on absentee/proxy votes, as per Texas Property Code.
- A homeowner asked if our HOA had an attorney, since there had been one in years past. Our current and most recent past boards have not had a homeowner volunteer as Attorney as an Officer. Another homeowner mentioned HOA law is very specific and our HOA may need to have someone serve if they have that expertise.
- TB said there was a bit of back and forth between HOA and Plaintiffs.
- A candidate who ran for a position said it was not personal and they meant no harm in handling ballots; they just wanted all people who could not make meeting to vote. Another homeowner mentioned that candidates should not have been handling ballots if you want homeowners to believe it was a fair election. Also, voters could be intimidated by voting in front of candidates.
- TB asked for a closure of the discussion of the last election, making the point that if the election had been conducted properly there would be no questions about the results. TB stated members who trusted their votes would be counted by the association were excluded. TB stated legal counsel has advised a new election be conducted and this appears to be the best way forward for the association.

After discussion, TB is going to reply to Plaintiffs:

- Ask Plaintiffs (MW and AM) for a new election.
- Candidates on both slates come up with an election committee with representatives from the Timbercrest HOA. Those on the election committee are not to be candidates.
- Election committee to set guidelines on how to handle absentee or proxy votes.
- Election committee must follow Texas Property Code.

4. Other business:

- AB and AW brought up people used to do caroling around the neighborhood over the holidays.
- AL said she would volunteer on putting something together.

5. A recommendation to adjourn was made by ZP

Meeting adjourned at 7:36 PM

Minutes submitted by Fernando Ziegler (Secretary) on 26 October 2022.