



Andrew Mowery <andrew.p.mowery@gmail.com>

Fwd: Poudre Overlook HOA

Andrew Mowery <andrew.p.mowery@gmail.com>

Fri, May 24, 2019 at 2:35 AM

To: M G <goynm@outlook.com>

Cc: Buck Hammond <buck.hammond@gmail.com>

Maryann,

I hope you got a chance to review this. I do understand your concern regarding legal expense, but that's not the actual topic. We know that Pete has the documents that are missing, and I would find it hard to believe that we would be charged a significant sum for obtaining copies of documents that shouldn't take an organized office more than 2-3 minutes to locate digitally.

But, if that is truly the concern, the original option is always available for free: Walker and Irve can just turn them over, since they were obviously the parties that created all of the documents to begin with. Why they aren't in their 3-ring binder, or weren't sent after numerous requests over the past 5 months is a legitimate question - and if there's a concern about creating the expense, they should be the parties you press - not me. It's either their lack of organization or obfuscation that is creating this expense, if there is to be any at all.

I would simply like them without further delay, and particularly well in advance of the 5/29/19 ACC meeting, which is the appropriate meeting to bring up the subject as it relates to ensuring we are compliant in the future. It would also be necessary to address the report I've sent to Buck, who is performing impartial fact-finding on the matter. It is not possible to fully evaluate that report without reviewing these documents, and I believe it is my job to make sure the archive is as complete as possible - and we know we have a major issue with 10+ years of undocumented ACC actions, which have already caused major issues in 2018.

Regarding emails, clearly, we have a problem with the use of personal email, as some members feel the records should only be turned over at their discretion, which is a violation of CCIOA statute, previously cited. Therefore, it's advisable that we move as quickly as possible to board emails hosted on our website for all Board communications, deliberations, and official business with owners. The collection of information from uncooperative board members is clearly a significant burden on the volunteers who have the duty to maintain the archive. I certainly wouldn't wish this experience on anyone else, as it has been unpleasant for no good reason that benefits the association or board.

Enough is enough. Please get the documents, and stop making excuses for those who clearly do not wish to cooperate. If they refuse, then I suggest you immediately get them from Pete, and raise the issue of the expense with them.

Sincerely,

Andy

On Wed, May 22, 2019 at 9:17 PM Andrew Mowery <andrew.p.mowery@gmail.com> wrote:

Maryann,

It's not about incurring fees, and I would hope you know that. We need to know what advice Pete gave Walker, and the more effort that is put into making it a secret (not unlike what happened at the last ACC meeting, or what the agenda is for the next), the more it has the appearance of non-transparency. This adds to my concerns.

And, I'll just forward you the threads about getting documents from them. It wasn't a model of cooperation. At the

meeting, Irve insisted "no notice was ever sent". That was a false statement, regardless of intent. And, then I've found many other missing documents. And, not one single email to/from Owners from the ACC/CCR has been turned over - not a single one.

I am also offended at your "day job" comments. It's clear you do not respect me, but you don't have to insult me in writing.

Sincerely,

Andy

On Wed, May 22, 2019 at 8:02 PM M G <goynm@outlook.com> wrote:

Andy—

Having the chief executive of the BOD be the primary contact with the attorney has been the way we have managed this in the past. I don't believe any board member should be incurring attorney fees without the knowledge and consent of the rest of the board. Having a primary point of contact to avoid unnecessary billings seems prudent and I'm sure you would agree. As my email indicated, I provided Walkers name because he is the Vice President and has the powers and authority to of the president in the absence of the president. As you can see, I indicated that would only happen in the case of an urgent issue when the president was unavailable.

I know that Walker provided you with some CCR documents a couple months ago when you were getting our records organized. I have tried to find the Brucker Notice of Violation in DropBox but haven't found it. There should also be minutes from the meeting of October 29 when the BOD voted to send the Notice of Violation. I assume that due to the unusual nature of that entire situation we overlooked the normal course of documentation. I will follow up with the 2018 secretary (Walker) and President (Buck) to see if they can fill in this gap so we get the appropriate documentation for our records.

I will get back to you when I learn more. Please try to be patient as I am also busy with other Board and Committee work and can only devote so many hours a day to HOA activity. Our fellow board members have day jobs in addition to their volunteer work for the HOA so it can be expected that their response will not be immediate.

Thank you for your diligence in making sure our records are complete.

Sincerely,

Maryann

Sent from [Mail](#) for Windows 10

From: Andrew Mowery <andrew.p.mowery@gmail.com>
Sent: Wednesday, May 22, 2019 4:38:52 PM
To: M G
Cc: Buck Hammond
Subject: Re: Poudre Overlook HOA

Maryann,

No questions posed. There are two documents missing from our records - the advice given to Walker in October of 2018, as well as the actual Notice sent to the Bruckers.

By the way, is there anything in our documents that says the President and VP have exclusive communications with the HOA Attorney? Why is Walker afforded this privilege vs. any other officers, or frankly any other Board members?

Management of legal expense is appropriate, but not everything is a question for advice. In this case, we have missing documentation, and I'm looking to complete the record. It concerns me that you would block any of the rest of us from any contact at all.

Sincerely,

Andy

On Wed, May 22, 2019 at 4:30 PM M G <goynm@outlook.com> wrote:

I am not sure exactly what question you posed to Mr. Dauster but this was my notification to him after I was elected President of the BOD.

Maryann

Begin forwarded message:

From: M G <goynm@outlook.com>
Date: May 16, 2019 at 4:03:44 PM MDT
To: Peter Dauster <pdauster@gjmlawfirm.com>
Cc: "wgflanary@gmail.com" <wgflanary@gmail.com>
Subject: Poudre Overlook HOA

Hello Peter-

We haven't had the opportunity to meet yet but I wanted to introduce myself. I recently became President of the Poudre Overlook HOA so thought I would let you know that our leadership has changed. Moving forward, any inquiries related to the Poudre Overlook HOA will be coming from me. Walker Flanary (cc'd) is the Vice President so would be the other board member that would potentially be contacting you should an urgent issue arise when i am unavailable.

If you have any questions, please feel free to contact me directly. Our HOA email address has not changed. This is my personal email and my phone number is 307-399-7457.



I look forward to working with you if the need arises.

Best regards-
Maryann Goyn