

Cottages Community Association  
Board of Trustees Meeting Minutes  
June 12, 2019  
Ferguson Home  
7:00 PM

Attendance:

Dave Seaborn  
Dion Barron  
Steve Thompson (by phone)  
Jacquelin Rasmussen  
Carol Ferguson

Dion opened meeting.

Jacquelin gave an update on new CC&Rs. Cottage Drive and Maintenance Agreement referenced in new CC&Rs. Tyler LaMarr's office submitted new CC&Rs to Utah County; waiting for a response from County.

Board unanimously appointed Dave Seaborn as President of the Board of Trustees. Dion Barron will remain a member of the Board but does not wish to continue as president.

Board discussed possibility of Declaratory Action to establish/determine adjacent property does not have an easement over Meadow Drive. Dion explained that Declaratory Action is a judgment of a court which determines the rights of parties. By seeking a Declaratory Judgement, the Cottages Community Association is seeking for an official declaration of the status of the private roads in The Cottages at Hobble Creek. Dion clarified conditions to pursue a Declaratory Action:

- Need Board approval to file the action.
- One Board Member would be given authority to manage the case and be point of contact with attorney.
- Legal fees to initiate the action will be paid by an entity who has requested to remain anonymous.
- Board agree that a copy of the monthly statement reflecting fees and costs can be shared with the anonymous payor.
- Board agrees and approves that this will be a joint prosecution and that the anonymous payor can participate in case strategies so long as the Cottages Community Association President has the final decision-making power.
- Board understands that should the anonymous payor decides to discontinue payment of fees and costs, Colemere Gibbs and Stout

will require financial commitments from the Cottages Community Association or it will likely withdraw from representation.

- Mike Stout from Colemere Gibbs & Stout PLLC, is attorney retained by anonymous payor.

After discussion, Dave made a motion to engage Mike Stout to proceed with Declaratory Action to establish/determine adjacent property does not have an easement over Meadow Drive in The Cottages at Hobble Creek. Steve seconded the motion. Board unanimously approved the motion. Board discussed Dave being contact person for Mike Stout. Dion will talk with Mike about that possibility.

No new business to discuss.

Meeting adjourned.

Respectfully submitted,

Carol Ferguson

Cottages Community Association Secretary