

**Minutes of the Called Meeting of the  
Horse Creek Ranch Homeowners Association Board of Directors  
Thursday, September 15, 2005**

The meeting was called to order at 7:35 PM by Roy Martin (President) in the house of Roy Martin. A voting quorum verified as present. Board Members in attendance were Gina Chavez, Suzan Gamble, Mike Fowler, Roy Martin, Doug Musel, Richard Spindle and Dick Van Dyke. Homeowners in attendance were Deborah Musel and Lynn Mayo.

**Signatories for Checking and Money Market accounts**

In an effort to move all responsibilities for that office over to the new Secretary/Treasurer's position, and more closely account for the Association money, it was discussed that signatories for the checking and money market accounts be changed. It was motioned by Richard Spindle to appoint the board President (Roy Martin), Vice President (Richard Spindle) and Secretary Treasurer (Dick Van Dyke) as authorized signatories for the Association's checking and money market accounts. It was seconded by Mike Fowler. The motion passed.

It was further motioned by Richard Spindle to remove Rick Hines as signatory to the Association's checking and money market accounts. It was seconded by Gina Chavez. The motion passed.

**Official Address**

Discussion occurred on changing the official mailing address to a Moody Post Office box. It was motioned by Richard Spindle that the official mailing address for the Association be changed to a Moody Post Office box and that Roy Martin be empowered to set that up. The motion was seconded by Suzan Gamble. The motion passed.

**Possible Architectural Control Violation**

Prior to discussion of this issue, Roy Martin informed the Board that all Board members had been invited to this week and last week's meetings. The only exception is that, (due to lost contact information), David Mundt was not contacted for the Sept. 8 meeting.

Discussion ensued as to the report back from the lawyer in reference to the possible Deed Restriction violation on Tract 2 (Phase II). Roy Martin presented two letters from the law firm of Amsler & Amsler. (Both attached) The first letter contained an opinion of that firm that indeed a violation of Deed Restrictions had occurred. Specifically section 7.08 had been violated. The letter went on to recommend that the Association should "seek injunctive relief" by sending a demand letter requiring that the violation be corrected by the tract owners. It further stated that "it is important to make the attempt, because not doing so could result in later lot owners claiming that the restriction in question has been

waived.”

A second document discussed was a letter which Amsler & Amsler suggested the Board send to the track owners, demanding correction of the violation.

After further discussion it was posited that not enough information had been supplied by Amsler & Amsler in reference to possible options as well as possible repercussions of section 7.11. It was motioned by Richard Spindle that the following steps be taken:

1. That the President (Roy Martin), Vice President (Richard Spindle), and Architectural Control Committee chairperson (Mike Fowler) be empowered to consult with Amsler & Amsler to receive further clarification of options available,
2. at that meeting also investigate possible responses of section 7.11,
3. gain clarification as to the possible next steps in pursuit of the issue,
4. assuming there are no significant changes to the demand letter, authorize Amsler & Amsler to send that letter, and finally
5. to call a meeting after the Board receives a response from the owners of the tract (to review that response).

The motion was seconded by Dick Van Dyke. The motion passed.

### **Adjourn**

A motion to adjourn was made by Richard Spindle and seconded by Gina Chavez. The motion passed and the meeting adjourned at 9:35 pm.