

approved

**THE MINUTES OF THE FAIRVIEW TERRACE BOARD OF DIRECTORS MEETING HELD ON
APRIL 6, 2010, AT 6:30 PM AT THE FAIRVIEW TERRACE CLUBHOUSE, 2800 NE
ARBORCREST DRIVE, FAIRVIEW, OR 97024.**

Present: Leland Jaquay, President
Ken Abbott, Secretary
Kent Walton, Treasurer
Allene Murphy, Director
Rick Worthington, Director

By Invitation: Mike Henninger
Aspen Siding
Charlie Klingler
Western Architectural, LLC
Mike Vial, Attorney
VIAL FOTHERINGHAM, LLP
Nancy La Voie, CMCA, AMS, Community Manager
COMMUNITY MANAGEMENT, INC., AAMC

Owners in Attendance: Owners as reflected on the sign in sheet.

I. CALL TO ORDER

Leland Jaquay called the meeting to order at 6:30 PM.

II. APPROVAL OF PREVIOUS MEETING MINUTES (02/23/10 & 03/12/10)

AGREED: Ken Abbott made a motion to approve the meeting minutes from the previous meeting held on February 23rd, 2010. Kent Walton seconded and the motion was carried unanimously.

III. REPORTS AND DISCUSSIONS

- A. Treasurer's Report** – Kent Walton stated that receivables are now at \$ 126,000. The still funding reserves, almost at \$ 400,000, have now been invested. Walton announced that the association is currently working with two firms, Landye Bennett Blumstein Attorneys, and Vial Fotheringham, to recover the delinquent funds, and that the doubtful accounts total approximately \$ 26,000. An announcement was made that there has been an overbudget through February 2010 by \$ 1,600, after which questions were raised regarding the collection process. Discussion followed on termination of utilities for delinquent owners.
- B. Community Manager's Status Report**
1. Status of Pool Fence/Health Dept. Requirement – Nancy La Voie stated she has a lead on the permanent waiver to the Health Department requirement, and additional information will be available soon.
 2. Discussion followed regarding dates for future Board meetings. The Board agreed that the 4th Tuesday of each month was an agreeable date for Board meetings.
- C. Committee Reports**
1. Architectural Review Committee Report – Rick Worthington reported there were no new ARC requests submitted, however, one is expected to be turned in shortly. Ken Abbott raised a question regarding the lot 94 window

installation. Discussion followed regarding whether or not the window was the same size on window on neighboring homes, and whether the owner had installed the correct size window. The Board agreed to observe the installation and Worthington will review the original application.

Agreed: Ken Abbott made a motion to require owner to replace the installed window with a correctly sized one. Kent Walton seconded and the motion was approved with four in favor (Ken Abbott, Leland Jaquay, Kent Walton, Allene Murphy) and one opposed (Rick Worthington).

Agreed: Kent Walton made a motion to send a letter to the owner of lot 6 stating they have 15 days to repaint the door before the association will do so. Allene Murphy seconded and the motion was carried unanimously. Mike Vial had researched repainting of the door of a unit, which has been painted without ARC approval, and he confirmed that the association does have authority to enter the property to repaint to door.

2. Landscape Committee Report – 7 Dees has started repairing the irrigation and presented an estimate for \$4700 in repairs due to winter damage. 7 Dees will report any damage caused by vehicles along driveways, and the Landscape Committee will make a list of damaged lawns from drive-overs. 7 Dees is to perform monthly inspections with the committee, and Leland Jaquay will meet with them on a quarterly basis.
3. Parking Committee Report – Ken Abbott spoke regarding the recent increase in enforcement activity. Currently, the committee is having removed a disabled vehicle in a driveway.
Agreed: Ken Abbott made a motion to give reasonable notice of thirty (30) days to the owner to remove the vehicle or it will be towed. Kent Walton seconded and the motion was carried unanimously.
Agreed: Ken Abbott made a motion to designate three (3) additional parking spaces at the end of Larkspur, and three (3) additional parking spaces on Willow Glen for monthly rental parking. Allene Murphy seconded and the motion was carried unanimously. Leland Jaquay is to have the newly designated spaces marked on the property and then CMI will notify the owners currently on the wait list.
4. Pool Committee Report – The community pool is scheduled to open on Friday before Memorial Day. Ken Abbott is researching automatic chlorinators and will present information soon.
5. Social Committee Report – The committee is planning a community yard sale on the third (3rd) weekend of July. Future plans include holding a casino night event, and a community BBQ.

IV. NEW BUSINESS

Nancy La Voie requested Board input for the upcoming newsletter, and has requesting a Litigation Status Update from Attorney Mike Vial.

V. NEXT MEETING DATE

The next Board meeting has been scheduled for May 25th, 2010.

VI. CONSTRUCTION DEFECT LITIGATION UPDATE

- A. Mike Henninger from Aspen Siding spoke regarding the deck repairs, stating that

the work was going well, and close to completion. Questions were answered about the details of work being done.

- B.** Charlie Klingler from Western Architectural stated he is still working with the Board on ongoing leak reports, which include shingle blow off, window, and door leaks. Klingler has created a detailed scope of repairs for Vial Fotheringham LLP, which has put out to bid for litigation purposes.
- C.** Attorney Mike Vial presented the litigation update. The next mediation is scheduled for April 14th, 2010. Currently, liability and damage costs have been assigned to various sub-contractors, so there is possibility of settling with a few subcontractors at the upcoming mediation. The following mediation is set for May 16th, 2010, and the pre-trial start date is set for June 1st, 2010.

AGREED: Ken Abbott made a motion to authorize Leland Jaquay to accept or reject settlement offers at the April mediation on behalf of the Association. Allene Murphy seconded and the motion was carried unanimously.

VII. ADJOURNMENT TO EXECUTIVE SESSION

The Board adjourned to executive session at 8:15 PM in order to discuss current matters with legal counsel, Mike Vial.

VIII. RECONVENE

The Board meeting was reconvened at 8:45 PM.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 PM.