

SUNSET BAY PROPERTY OWNERS ASSOCIATION

A Corporation Not-for-Profit

Minutes of Board of Directors Conference Call, Thursday, November 17, 2016

Call to order: A Special Meeting of the Board of Directors of the Sunset Bay Property Owners Association was held via teleconference on Thursday, November 17, 2016. The teleconference convened at 7:15 p.m. A quorum was established.

The following officers participated:

President	Tim Raub
Vice President	Betty Cook
Vice President at Large	Rick Gonzalez
Secretary	Gary Sequeira
Treasurer	Josh Staley

Also participating were John Lamerson (Lamerson Law Firm) and Sharon Sequeira.

Discussion Item – Past due maintenance fee collection activities:

Tim Raub invited John Lamerson to the meeting. Mr. Lamerson's primary work is debt collection. Tim had asked Mr. Lamerson's firm to provide an estimate to recover past due POA fees from members of the Association. The procedure: Mr. Lamerson's firm will act as a debt collector as that term is defined by Texas law. The following steps will be taken:

1. The Board will provide to Mr. Lamerson the various documents and files related to the outstanding debts.
2. His firm will assign file numbers for each debt to be collected.
3. His firm will forward a contract to the Board detailing the work to be done, the contingency fee split (66.6%/33.3%), and the file numbers are encompassed by the contract.
4. A letter will be sent to each debtor by his firm demanding payment within sixty (60) days.
5. If a debtor wishes to make payment it will be sent to his firm, his fee will be deducted, and then the POA's payment will be sent to it via his firm's check.
6. If a debtor does not respond or disputes the debt, suit will be filed in the appropriate justice of the peace court. The cost of filing suit is \$41.00, and service is \$75.00 per defendant.
7. Costs of filing suit will be paid by the POA prior to his filing suit. His firm will attempt to recover all costs of court and attorneys' fees from the debtor.
8. Once a judgment is taken, he will begin the collection process. The debts are collected by Quantum.

Lamerson Law Firm has active malpractice coverage.

The Board asked for clarification on the contingency fee split. The split is 66.66% for the POA and 33.33% for Lamerson Law Firm.

Gary asked if the judge would grant the POA the attorney fees. Lamerson said yes. Josh also mentioned that the CCR's state that the POA is entitled to reimbursement of attorney fees.

The Board unanimously voted to retain John Lamerson to handle the debt collections.

Tim will ask Mr. Lamerson to revise his proposal to clarify the contingency fee split (66.66% to POA/33.33% to Lamerson Law Firm) and to add the amount of his fee. Tim will e-mail the revised proposal to the Board when he receives it.

Josh will send Mr. Lamerson the list of all the debts and debt holders and their addresses so that he can send a statement to each of them.

Adjournment:

The meeting adjourned at 7:41 p.m.



Gary S. Sequeira, Secretary

1/12/2017

Date

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After the conclusion of the meeting: Tim Raub sent an e-mail to the Board. Before getting the lawyer involved, the Board must send out a final letter to the debtors with the following attachments: Notice of Delinquent Assessments and Payment Plan Policy.

Once Josh gets the list of delinquent accounts to Tim, he will send out these letters. The Board must wait 30 days before doing anything else. Then the Board can go to the next step.