

**Tri-County Point Property Owners Association, Inc.**

**14 County Road 480**

**Palacios, Texas 77465**

**Tele- (361)972-3998, Fax- (361)972-0309, Email- [tricity@awesomenet.net](mailto:tricity@awesomenet.net)**

Special Board Meeting

January 10, 2004

The Board meeting was called to order at 10:05 am. Present was William Winnie, President, John Hamrick, V-President, Gene Finn, Sec/Treasure, Dawna Frankson, asst. mgr, Susan Jessup, manager and the association's attorney Michael Gainer.

The Board approved the Revised Policy Statement (copy attached).

The Board approved to offer property owners in arrear (less than 4 years) on maintenance fees a "Good Faith Payment Plan". They must pay the current year's maintenance (per lot) and the agreed monthly payment. This would entitle property owners use of the facilities as long as they continued to make monthly payments on time. If they default on a payment they will loose this privilege and will not be considered for any special offer in the future.

The Board also approved an "Offer of Compromise". This offer is for property owners more than 4 years in arrears on maintenance. They must pay per lot the current year's maintenance and half of the balance owed or pay five monthly payments consecutively. Then the property owner will have the privilege of using the facilities. If they default on any payment they will loose this privilege and will not be considered for any special offer in the future.

The "Good Faith Payment Plan" and the "Offer of Compromise" are on a signed contract basis only. The Board is aware of the Deed Restrictions stating that they can not wave assessments, but there is a four (4) year statute of limitation on the collection of maintenance assessments.

The Board approved to spend \$435.00 to have the roof repaired on the storage building.

Mr. John Turner is asking the Board to grant him an easement on the road adjacent to the boat ramp. The Board agreed to do so at no cost to Mr. Turner if he agreed to put in the easement agreement that he would maintain the road and there is to be a time limit on the easement.

The office is to draft a disclaimer to state that any and all facilities owned by Tri-County Point Property Owners Association will not be responsible for any accidents or the behavior of their guest or employees. This Disclaimer is be signed by the property owners. If a property owner does not sign the disclaimer they will not be issued a key to the facilities.

Since the two office personnel are EMTs and firefighters, and are on call at all times for emergencies, they are to make a sign to be posted when they are out on emergency calls.

Correction to the proxy is to be made to state that proxies must have to be mailed to the office and to add deadline date. They can not be faxed.

Michael Gainer is to handle the agreement between Tri-County and Magnum drilling on the issue of drill site in Section eight (8).

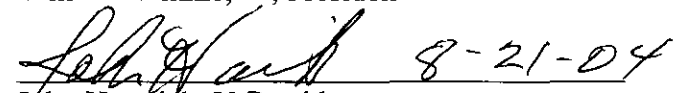
Gainer and he will negotiate. Once the agreement has been made, the Board will vote and notify the property owners of its decision.

Property owners were advised about the status of Ron Paul and the deeds. As of now it is still in limbo.

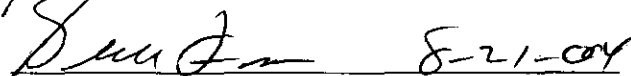
Meeting adjourned at 2:30pm



William Winnie, III, President



John Hamrick, V-President



Gene Finn, Sec\Treas.

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**January 10, 2004**

**Minutes of Special Membership Meeting**

Board members present were William Winnie, President, John Hamrick, V-President, Gene Finn, Sec\Treas, Susan Jessup, Manager, Dawna Frankson, Asst. Manager, and the association's attorney Michael Gainer. There were 163 members in attendance by person or by proxy.

At 1:10 pm William Winnie, President announced there would be a delay in the meeting to see if there were enough paid members to make a quorum to hold a special meeting.

Voting on issue #1 (\$20.00 special assessment for the year 2004) could not be held due to lack of enough paid member to make up 50% for the quorum. They discussed if they wanted to continue trying to get the special assessment passed they would have to hold another special meeting in sixty days.

There were enough paid members (20%) to make a quorum to vote on items II and III.

Voting on issue #2: Amending the Association's Restated By-Laws by adding a new Section 5 to Article VIII of the By-Laws allowing the Association to approve a composite building site. With the stipulation that the property owners must contact and submit written authorization from various utility companies for approval to build on the center of two adjoining lots. The Board has final approval on the composite building site. The vote was 147 to accept the By-Law amendment. Proxy ballot count was 84 for, 10 against. Voting at meeting was made by acclamation. All were in favor.

Voting on issue #3: To donate a portion of property in the reserved area by the pool for the Carancahua Community Volunteer Fire Department\EMS. Proxy\Ballots were 88 for and 15 against. Voting at meeting was made by acclamation. All were in favor.

Further discussion Louis Klusmeyer with the fire dept. said the department would pay for the building, the department just needed a piece of property to put the building on. Since the fire station they now have is on Hwy 35 by Cape Carancahua it would be beneficial to have a station on this side of the community to cut down on response time in the event of an emergency. He also asked for volunteers for the department.

The Board has been approached by Magnum drilling to drill a gas well on lot 71 in Section 8. Due to the Developer, Mr. Appling, holding the mineral rights we can not stop them from drilling. We can only get compensation for surface rights. The drilling company will put in a two acre pad. Therefore, they will be taking up approximately 30 lots in Section 8. They have agreed to be totally responsible for the water well and any other damages caused by them. There current offer is not acceptable due to liability waiver. The Board will refer all offers to Michael

The office is to get information on the statute of limitation for property owners who do not have deeds to their property.

William Winnie *W*, 5-21-04  
William Winnie, President Date

John Hamrick *JH*, 1-6-04  
John Hamrick, V-President Date

Gene Finn *G*, 3-9-04  
Gene Finn, Sec/Treas Date

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**Board of Directors Policy Statement**

**Revised: January 10, 2004**

**Property Owner Grievance**

Any grievance should first be submitted, in writing to the Tri-County Point Property Owners Association office to the above address. The office will then respond to the grievance in writing. If the property owners are not satisfied, they may then appeal to the Tri-County Point Property Owners Association's Board of Directors.

**Consumption of Alcohol**

No glass containers allowed on any Tri-County Point Property Owners Association's facilities.

**Swimming Pool**

No alcohol allowed inside the fence area at the pool.

**Facility Usage Cards**

Facility Usage Cards are to be issued annually to property owners who are current in Payment of all assessments and in good standing with the Property Owner's Association.

**Members Guest**

A property owner not in good standing (maintenance not paid current) with the Association can not be a guest of a property owner in good standing (Maintenance paid current).

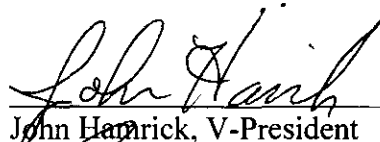
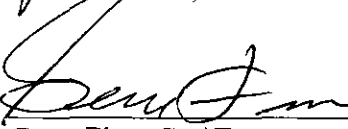
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Special Board Meeting

July 17, 2004

Present were John Hamrick, V-President, Gene Finn, Sec\Treas, Susan Jessup, and Dawna Frankson.

Rhonda Stastny from Golden Crescent Regional Planning Commission talked about two grant options for water & Sewer. It was decided not to try for the Self Help Step and try for another type of grant because we had a better chance due to the fact it was not state wide. Mrs. Stastny will get back to us when the application is ready. She also is going to get Judge Stafford to write a letter recommending us for the grant. A representative from Tri-County Point Property Owners Association will have to go to a meeting and give speech as to why we need the grant. John Hamrick made a motion to start selling Section 8 property. Gene Finn seconded the motion. The lots in section 8 are to be mowed and marked. The office is to send notices to property owners notifying them of the sell. Saturdays by appointment only. McDonald & McDonald drew up the Special Warranty Deeds for us. The money for the sell of lots is to be put into the savings account at First Prosperity Bank in Palacios, after the funds for the mail out and any other expensed accrued for Section 8.

William Winnie, President	Date
	8-21-04
John Hamrick, V-President	Date
	8-21-04
Gene Finn, Sec\Treas.	Date

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Annual Meeting of Membership

August 21, 2004

Board members present at the annual meeting were, William Winnie, President, John Hamrick, V-President, Gene Finn, Sec\Tres., Dawna Frankson, Susan Jessup and Michael Gainer the Association Attorney.

William Winnie read the minutes of the August 2003 annual meeting. Minutes were approved as read. Financial statement was handed out and William Winnie told the membership that we had made the last payment on the tractor and this would save \$10,000.00 next year. Taxes the association pays on property is about \$10,000.00 a year. William Winnie explained that the Association had begun to sell lots in Section 8. This should drop the tax bill next year.

William Winnie and Michael Gainer explained the tax suit filed against a property owner and Tri-County Point Property Owners Association. They explained that there would be more suits filed due to individual owners not paying taxes. Michael Gainer said he would file a response to the tax suit as a cost of \$150.00. Mr. Gainer said he could draft a form for the association to use but due to the fact that it was district court it would be better for an attorney to file the response. Mr. Gainer explained that when the property is sold at a tax sell, the maintenance goes away and attorney fees could not be recovered.

William Winnie asked if the Association ever got a web site. The response from Susan Jessup was that the Association has not.

The candidates for president were asked if they had anything to say before the voting started. William Winnie and Mark Frank gave a short speech. Keith Casey asked Mark Frank if he would be gutsy enough to get repairs done. Mark Frank said that he would.

Mike Benson, Diane Wiley and Joy Casey counted ballots. Election results were :

William Winnie	19 Proxy Ballots	13 Secret Ballots	Total	111
Mark Frank	65 Proxy Ballots	46 Secret Ballots	Total	32

Mark Frank was welcomed as the new association president for the term of three (3) years.

Michael Gainer told the membership about the status of the deed issue with the FDIC. The FDIC has owned up to being the responsible party for the releases on lots owned by individuals. The FDIC will contact Coastal Title Company to get this accomplished.

A property owner asked what right Appling had to use our roads. Michael Gainer explained that we have to give him right of ingress egress to their property.

Keith Casey brought up maintenance again. He said someone needs to inspect the facilities. He complained about the gate being smaller at the boat ramp and shell was needed at boat ramp. William Winnie told Keith Casey the procedure of filing complaints. They need to be in writing and sent to the office. William Winnie then cut off the discussion.

Jack Ward asked what happened to the work weekend. Mark Frank said he would work on getting one scheduled.

Keith Casey brought up the notice\disclaimer the Board voted to have all property owners with key to sign. Keith Casey said he talked to his attorney and was told if the insurance company found about it they would not pay. Mark Frank addressed the issue of what we pay insurance for and why.

Kenneth Ballinger wanted to know why we could not drop back maintenance on property being sold by individuals. The Deed Restrictions state maintenance stays with the property and to change the Restriction is almost impossible.

Don Wiley asked about a special Assessment. Diane Wiley asked about having a maintenance party once a month for repairs. To make it like a block party to be held the same time every month.

William Winnie 9/23/09  
William Winnie, President Date

John Hamrick 9-1-04  
John Hamrick, V-President Date

Gene Finn 10-14-04  
Gene Finn, Sec\Tres. Date



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Board of Directors Board Meeting

August 21, 2004

Present were V-President John Hamrick, Sec\Treas. Gene Finn, Dawna Frankson, Susan Jessup and the association attorney Michael Gainer.

John Hamrick asked Michael Gainer about modular homes being allowed on non mobil home lots. Michael Gainer said due to the fact they are brought in on wheels, they would be construed as mobil homes.

Michael Gainer was asked if we could sell a small dead end road to a property owner. He advised that the plat would have to be changed and this would be a difficult and costly venture.

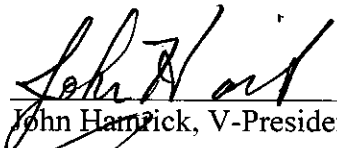
Mr. Gainer reported that Ed McCloud, FDIC attorney, called him Friday and agreed the FDIC was the responsible party as far as release on Deeds of Trust. Mr. McCloud said it would be helpful to have the original promissory notes. Mr. McCloud is going to call Carol McDonald with Coastal Title Company to see about clearing titles to properties.

There have been several complaints about dogs running loose and getting into peoples trash. Michael Gainer said this type of situation would fall under "nuisance", Article Two of the Restrictions, Covenants and Conditions, 2.5, (e).

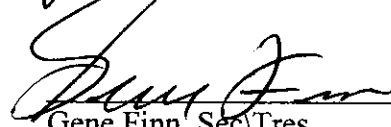
The Board gave the Caranchaua Volunteer Fire Department permission to sell ribbons at the annual meeting.

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William Winnie, President

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John Hamrick, V-President

 9-1-04  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Gene Finn, Sec\Tres

 10-14-04  
\_\_\_\_\_  
Date

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Board Meeting

August 21, 2004

Mark Frank talked about a special assessment. Mark Frank asked Michael Gainer if we could do a volunteer special assessment. Mr. Gainer said we could. Mark Frank said he would draft a letter to send with the maintenance billing. The Board decided to ask for \$75.00 per lot, but if this would not be acceptable to the property owner they could donate what ever they could afford.

Mark asked Dawna Frankson and Susan Jessup if they would be willing to go with him and inspect all the facilities on Sunday August 22, 2004 to get a priority repair schedule.


John Hamrick and Mark Frank will go to Cal-Com Federal Credit Union and transfer money to operation maintenance account at First Prosperity Bank in Palacios.

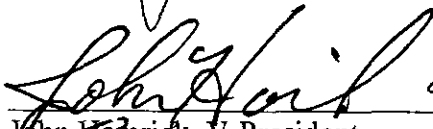
Mark Frank asked Susan Jessup to set up an appointment with Rhonda Stastny with Golden Crescent Regional Planning Commission for September 1, 2004.

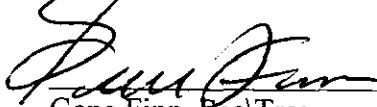
The Board agreed to send 2005 maintenance billing November 1, 2004 and include Mark Frank's letter for the volunteer special assessment.

The Board set the work weekend to be November 13, 2004. This notice will be added to the November mail out.

Susan Jessup was asked to check with the Secretary of State on changing the registered agent from William Winnie to Mark Frank.

  
\_\_\_\_\_  
Mark Frank, President                      9/1/04  
Date

  
\_\_\_\_\_  
John Hamrick, V-President              9-1-04  
Date

  
\_\_\_\_\_  
Gene Finn, Sec/Tres.                      10-14-04  
Date