

MEETING MINUTES OF
THE BOARD OF DIRECTORS OF
HARVEST CREEK HOME OWNERS ASSOCIATION

Minutes of a meeting of the Board of Directors (“Board”), of Harvest Creek Home Owners’ Association (“Association”) held on May 29, 2024. Meeting was called to order at 5:32pm

Present were:

James Connolly
Barbara Pastine
Lindsay Freitas
CJ Cook

The Board noted that they intended to have a meeting on April 24, 2024, but due to board member, CJ Cook’s child being born on April 24, 2024, they postponed the meeting until all board members were able to meet. The Board also discussed that it is not necessary for it to meet every month, but given the current communications being made by the group led by Karl Keith, Amanda Keith, and Brad Bunkers herein referred to as the (“Save Harvest Creek Group” or the “SHC Group”) more frequent meetings are needed at this time.

The Board confirmed all prior communications, drafted by individual board members, that went out to the Association, in response to the Save Harvest Creek Group communications, and confirmed its position that the Board does not have any duty to call a special meeting based on the SHC Group’s demands.

First, the by-laws contain very specific language regarding a 75% quorum needed by special petitions. And while this conflicts with Montana Code Annotated, the Board is not going to decide that the statute is controlling at this time. Second, even if the statute was controlling over our by-laws, the SHC Group did not have a quorum under MCA §35-2-527. They did not reach the 5% threshold because a number of, proxies were not signed and dated correctly, there were duplicate proxies sent, and proxies filled out by renters. Furthermore, the Board has the authority under the by-laws to determine that home owners in arrearage on their dues, do not have the right to vote in special proxy matters. Lastly, even if a 5% quorum was reached, as Karl Keith is anticipated to argue, the statute very clearly states that the Board has thirty (30) days to call a special meeting upon an officer being delivered its demand. An officer was not delivered their demands, but more importantly, they emailed the Board on May 22, 2024 demanding a special meeting, and then emailed some home owners a mere **two days later** on May 24, 2024, stating that a special meeting was occurring. So, for the above reasons, the board confirms all prior communications and actions prior to the meeting and no special meeting shall occur on June 4th.

The Board continued to discuss and acknowledge the extremely small percentage that the SHC Group makes up of the actual association. And that given the already early response to the SHC Group’s request for a special meeting, that a majority of the homeowners do not actually agree with the SHC Group. The Board discussed that it has a fiduciary duty to the Association as a whole, and not a handful of loud homeowners.

The Board also discussed that the Save Harvest Creek Group seeks to obtain the whole email & phone list of all homeowners so they can communicate with all homeowners. The Board is aware that the SHC Group, namely Karl Keith, has sent his communications to other people outside of Harvest Creek. The Board believes that communicating the SHC Group’s strong opinions about the Board and management of the Association to 3rd parties is extremely detrimental to Harvest Creek as a whole. Outside home buyers may be deterred by these communications, which therefore could lead to a decrease in home values in

Harvest Creek. For that reason, Mr. Cook motioned that the Board take action to forever protect any homeowner, or individual board member to have unfettered access to the email and phone list of all homeowners. He stated, “an individual could use that list for harm. For example, if someone had that list and was running for public office, they could use that list to send uninvited campaign emails. This goes for individual board members, and not just people who would use it to spread disinformation, like Karl Keith.”

The Board voted and affirmed the following resolution: “That the member email and phone number list shall be held in trust by whoever is managing the association, and that no individual should have access to that email and phone number list.”

The Board discussed that given some of the requests and communications made by homeowners, it would be in the association’s best interest to hold a special meeting to quell any concerns that homeowners may have about Saddle Peak, but to also build back trust between the Board and some homeowners.

Mr. Cook brought to the board’s attention three (3) requests made by homeowners for the Board to investigate, including some concerns about a lawsuit involving Saddle Peak. The Board will investigate the requests made by homeowners, prior to the special meeting. The following was noted about the concerning law suit:

CJ Cook previously talked to the Northbound COA attorney about the allegedly filed lawsuit. The attorney said that the lawsuit was never served and therefore not active. Saddle Peak responded by saying that they provided all of the bank statements and invoices/supporting documentation and they realized that nothing wrong had taken place. That the Northbound COA had sued almost every property manager with no success, and that his will fall off of court record soon.

The Board discussed that just because a lawsuit has been filed, does not mean it is active. That this lawsuit is of no concern to the Board about Saddle Peak managing the association, but acknowledged that how the communicated this to other homeowners is the exact type misinformation is harmful to the Association.

The Board discussed that there are trees that have had branches fallen on the Harvest Creek parkway and Lindsay will have the City come out and take the limbs down. If they are not able in a timely Lindsay will have BSS take them down. Dead trees in boulevard need to be cut down on Durston. Additionally, someone will come and take fence posts on Harvest Creek parkway.

Lastly, the Board is still awaiting a response letter from their attorney on a number of different questions regarding board terms, officer positions, etc..

s/ CJ Cook

CJ Cook
Harvest Creek HOA
Interim Secretary