

Pueblito de Playa Miramar Board Meeting

October 11, 2008 at 1320hrs

In attendance: Greg Parkinson, Dana Duncan, Quinn Hutchinson, Michelle Burris and Bill Calvert by proxy to Greg

Bob Hension and Andy Anderson asked to sit through the meeting. Greg advised that, based on his conversation with a Mexican attorney, members are not allowed at the Board meetings unless a Board votes to open a meeting and the meeting is advertised to the entire membership.

Construction Committee: Tom Drzewicki, Gaye Wulff, Wes Burris and Michael Wolfe volunteered at the 4/19/08 meeting. Discussion followed and Greg making a motion that Tom Drzewicki, Wes Burris and Michael Wolfe will be on the committee and that Gaye be an alternate, with voting rights if one of the 3 other members is not available to review construction plans or represent the committee at a meeting. Dana seconded the motion and it passed unanimously.

Quinn asked that at the membership vote at the next meeting that the CCR's be amended to reflect that the Board staggers elections so that one year the President, Secretary and Member at Large are elected one year and Vice-President and Treasurer be elected in the alternate year. Greg will research the CCR's to make sure there is nothing to the contrary and will advise the Board via email what he learns before the HOA meeting. The issue will be on the November HOA meeting for a vote if Greg does not find anything prohibiting said vote.

Quinn advised that he will be submitting his resignation as Treasurer on 12/31/08. He will be available to help with the transaction when a Treasurer Alternate is elected. Greg will put out a notice to the membership asking for names of people who desire to be on the position.

Treasurers Report:

Depending on the value of Pecos, at the end of the year the HOA will have about \$12,000 to \$13,000 surplus. CCR's require a retention of 10% of the last voted budget (about \$4,000 based on last voted budget). Quinn recommends that enough be left in the budget to account for people who are not paying. After discussion it was determined that \$5,000.00 be held in the account against unforeseen debt.

Discussion re delinquent bills. Quinn will investigate by contacting Jorge Unger if the Mexican property owners are required to pay late fees. He will notify the Board by email of the results of his search before the HOA meeting. If he can not get a response from Unger he will contact another attorney so the membership can be brought up to date at the November meeting.

Greg and Dana met with HOA, V.P. at Dorado, Buzz Turner, and discussed basic HOA issues, including road maintenance. Their HOA uses a drag to smooth out the bumps. It could save our HOA about half of our annual expenditure. There may be pros and cons and so more research should be done before making a commitment to purchase one.

HOA Liability Insurance-Discussion, Michelle will check with Javier to see if there is a company who will cover the HOA.

Speed Control-Quinn advised that the city has approved 5 speed bumps. Michelle made a motion that the construction committee will investigate the safest placed for the speed bumps and they bring their recommendations to the Board who will forward the info to the city. Dana seconded the motion and it passed unanimously. Quinn pointed out that the city wants a Board member involved in anything brought to them. Greg will talk with Bill Calvert who will work with the construction committee, representing the Board.

Quads-Dana's report. Dana feels that throwing money into the quads, given the condition they are in, is a waste of money. He would like to see at least one new quad. The current quads leak oil, the battery is jerry-rigged, no lights and the electrical is shot on both. A new quad would run about \$3000 to \$5,000 and a good used one is about \$2,000 to \$3,000. Greg would like to buy used because the life of the quad will not change due to the elements, sea air, etc. Quinn feels we should buy one now, buy another every 2 or 3 years and that would keep the HOA ahead of the need. Quinn moved that the HOA buy one quad, sell the Kawasaki and keep the Honda, make repairs if it can be done for less than \$150.00, as a back up. If it can not be done for \$150.00 then the board is authorized to purchase a second used quad. Discussion. Michelle suggested that we buy one now and if we have the funds at the end of the year. Dana thinks we should sell both quads and get two good used quads. Each of the guards will have their own quad, eliminating the problem of care. Greg seconded Quinn's motion the motion. Passed unanimously.

Tom Drzwski had asked to speak to the Board and came to the meeting at 3:15pm. He explained that Feb, 2006 he was approached by Dr. Kahn and Jackie Kahn regarding a 10' wall that has been built between their house and their neighbors and extends into the Fed zone. Tom wrote a letter to the neighbor but it was ignored. Then this last spring the Walsh's built another wall on the other side of their house, again 10' tall. He is here as a concerned citizen and member of the construction committee. The walls now have roofs on them. Greg moved that the issue be tabled until Bill Calvert can be involved in the decision. Quinn seconded the motion. Discussion. Motion withdrawn. Greg made a new motion that the Board investigate what the Board can and can not do with regard to potential construction violations. Quinn seconded the motion. Discussion. The motion stands. Passed unanimously. Quinn will discuss this with legal counsel and will report back to the Board. If he can not get an opinion before the November meeting he will contact another attorney to get the opinion.

Greg advised that at the last Board meeting the issue of the 4 lots that were created when the Bank Trust Survey were created. Greg received a legal opinion from Rual O'Farrill that summarized an opinion O'Farrill had given to Jan Anderson (see attachment A). The opinion finalizes the issue. The opinion states that the 4 lot owners do not owe back fees. Quinn asked Greg if he, Quinn, has authority to credit the accounts of those who now show a debit. Discussion and the determination made that this would be the right way to remove the debt from the books.

Meeting adjourned at 4:00pm

(A)



O'Farrill

& Associates, P.A.

Foreign Legal Consultants, Arizona
Attorneys licensed to practice in Mexico

September 23, 2008

Dear Board Members

El Pueblito de Playa Miramar HOA

A meeting was held some time ago with the then President of El Pueblito de Playa Miramar HOA, Jan Anderson, at which time questions arose about the four (4) lots that were purchased by members of the HOA and the fees that were assessed to all HOA members.

The individuals made application for their Bank Trust and secured the legal use and enjoyment of their property in 2006. A legal opinion was rendered to Mrs. Anderson, that additional HOA fees for such regularization cannot be charged to these individuals since the properties were purchased after legalizing Miramar and were no part of the HOA at that time because they were owned by the Ejido Miramar. Mexican law does not permit back assessments to individuals joining a Homeowners Association because it would be a retroactive application of a rule which is not allowed by the Federal Constitution, this special assessment was approved by the membership before the legalization in order to settle a conflict years before this purchase happened.

Respectfully,

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