

SPYGLASS HILL
HILLER HIGHLANDS PHASE I ASSOCIATION
c/o Miramonte Company
1225 Alpine Road, Suite 206
Walnut Creek, CA 94596

BOARD OF DIRECTORS MEETING
WEDNESDAY, JANUARY 26, 2000
6:30PM, 44 SPYGLASS HILL

MEETING MINUTES

BOARD MEMBERS PRESENT: Basha Hanner, Amir Naini, Mark Hanner, Joe Hunt
BOARD MEMBERS ABSENT: Diane Reilly
MIRAMONTE COMPANY REPRESENTED BY: L. Yates
MEMBERS PRESENT: Ned & Mary Flanders, Evelyn Pavone, Phil Martin

CALL TO ORDER

The Meeting was called to order by the Vice President, B. Hanner, at 6:35PM.

HOMEOWNERS FORUM

Landscape Renovations: B. Hanner provided members present with a copy of Landscape Care's proposal to renovate portions of the common area for their review and comment. M. Flanders volunteered to meet with B. Hanner to review list of plants to be removed.

Water Intrusion Unit #28: P. Martin informed the Board that he has placed sandbags on his deck to prevent water intrusion. Mr. Martin also informed the Board that some of the windows in the unit are fogged. Miramonte recommended that the Owner send written notice with photo documentation of the water intrusion to the developer. Board referred Mr. Martin to the list of window installers previously provided. It was noted that the window warranty has expired.

Common Area Rear of Unit #44/46: E. Pavone recommended that the area around the mural wall be monitored for possible soil erosion and noted that there is a large "wet spot" in the middle of the hill even during dry periods of weather. Board stated that there is a natural spring in this area. E. Pavone stated that following weed abatement new plant material should have been added. B. Hanner reported that the Landscaping Committee met with Landscape Care 1/26/00, to inspect the common area and instructed Landscape Care to install jute netting above the mural wall, clear all drains and plant low growing Ceonothus to fill in bare areas.

MINUTES

MOTION: A. Naini moved, B. Hanner seconded to approve the October 28, 1999 Meeting Minutes as given. PASSED

Committee Meeting Minutes: No Minutes taken.

TREASURER'S REPORT

December 31, 1999 Financial Statement: M. Hanner reported that as of December 31, 1999 there is \$20,949.00 in the Operating Fund and \$103,534.00 in the Reserve Fund. There are no Delinquent Dues Assessments at this time. Miramonte instructed to close both the Washington Mutual Checking and Operating Money Market accounts and deposit funds into the Imperial Bank Operating account. Miramonte instructed to send a notice to all Owners to inform them of landscape Improvements expenditures, \$7,000 to be expensed from Landscape Reserve Funds and \$4,533 to be paid out of Landscape Operating budget.

Initials: _____

**SPYGLASS HILL
HILLER HIGHLANDS PHASE I ASSOCIATION
January 26, 2000 Page 2. Of 3.**

World Savings Certificate of Deposit Maturity 4/1/2000: Miramonte instructed to provide information regarding Certificate of Deposit terms and interest rates which will maximize rate of interest. Discussion regarding staggering Certificates of Deposit in the event emergency funds are needed so interest would not have to be sacrificed.

1999 Annual Tax Preparation: **MOTION: B. Hanner moved, J. Hunt seconded to approve Carol Stalker, CPA, proposal dated, January 20, 2000, to prepare the 1999 tax returns, cost \$250.00. PASSED**

MOTION: B. Hanner moved, J. Hunt to accept the Treasurer's Report as given. PASSED

MANAGEMENT REPORT

Newsletter Items: Landscape Expenditures, Do not leave pet food dishes in common area, Do not store firewood in common areas or potted plants. If you have carpet on your wooden deck you may be helping to accelerate deterioration and dry rot. If common area wood decks are damaged you may be held responsible. Spyglass documents, if you have any, contact Diane Reilly.

Unit 38: Miramonte reported that the Owner contacted them concerned about intrusion of rodents in unit and storage of pet food dishes in common area. Board stated Owners are responsible for pest control maintenance.

Document Storage: Miramonte instructed to contact Information Alternatives to obtain a proposal to copy all Association documents onto CD-ROM once all documents have been collected at a central location.

Telecommunications Easement Agreements: Miramonte advised the Board that if the Association is approached by a telecommunications provider, regarding service and requests that the Association sign an easement agreement, that the Association should have their legal counsel review any such agreement and existing governing documents to ensure that the Board has authority to enter into such an agreement and that the agreement, among other covenants, does not bind the Association to an exclusivity agreement.

Legal Seminar: Miramonte distributed invitations to the Board to attend a half day seminar given by the Law Firm of Berding & Weil to up date Associations on the current laws and community association trends.

Management Report accepted as given.

UNFINISHED BUSINESS

Amendment of Governing Documents: Miramonte informed the Board regarding new legislation, effective January 1, 2000, requiring that Association's place a cover sheet or a stamp regarding discriminatory language, in 20-point bold red type on any governing documents distributed. The new law authorizes Boards of Directors to "amend" and "restate" governing documents, deleting the offensive provisions, without a vote of the membership. All Associations must remove any discriminatory language from all governing documents including any type of supplemental rules no later than January 1, 2001 or face serious fines and penalties. Miramonte informed the Board that any such language would be amended during the overall governing documents amendment process. Board indicated that a meeting with Miramonte is necessary to reestablish project timetable. **PENDING**

Deck Repairs/Seal Units #40-46: Miramonte reported that contractor, John Delchinni, has deck repair and seal scheduled for the Spring. Miramonte instructed to have the long wooden bench along Hiller Drive sealed.

Initials: _____

**SPYGLASS HILL
HILLER HIGHLANDS PHASE I ASSOCIATION
January 26, 2000 Page 3. Of 3.**

Stairway Railing Base Repair: B. Hanner reported that the contractor would paint the base of the metal during the dry weather. Ms. Hanner reported that the contractor tested a minimum of five-colored rubber cement products and the closest match was selected.

Drainage Repair Proposals Rear #1 Spyglass: Board reviewed proposals submitted by Engineered Soil Repairs and Ned Clyde Construction for installation of a drainage outlet at the upper V-ditch. B. Hanner will coordinate a meeting with Ned Clyde Construction, Miramonte and Unit #1 to review repair options. N. Flanders noted that there appears no immediate need to repair the area, hay bales are helping to prevent soil erosion. B. Hanner reported that Landscape Care is checking the V-ditches weekly. M. Hanner voiced a concern that this repair is not budgeted and requested that it be determined the necessity of this drainage repair.

Retaining Wall Repairs Units #57/59: Miramonte review Engineered Soil Repairs and Ned Clyde Construction's recommendations. Board stated that the retaining wall is original construction, built approximately 1968. Board determined to monitor the drainage conditions in the area and take no further action at this time. A. Naini will communicate decision with Unit Owners. **TABLED**

NEW BUSINESS

2000 Annual Meeting: Annual Meeting scheduled for Thursday, March 9, 2000, sign-in at 6:45PM, Call To Order at 7:00PM, Hiller Highlands Country Club. Miramonte will prepare Annual Meeting notice and forward to Board for review. Slate of Candidates: Ned Flanders, Mark Hanner, Nancy Platford, Mary Roth, Tricia Swift.

Reserve Components: M. Hanner stated concern that major repair or replacement of retaining wall is not covered by insurance and/or the Reserve Component Study. Miramonte instructed to calendar a review of the Reserve Components for August.

COMMITTEE REPORTS

Landscaping Report: B. Hanner reported on the site inspection conducted January 26, 2000 with Landscape Care. Landscape Care given 20 action items to address concerning general maintenance, pruning, gophers, removal of deer netting, etc... **MOTION: B. Hanner moved, A. Naini seconded to approve Landscape Care improvements proposal, dated November 12, 1999, items #1-5, cost \$11,533. PASSED**

Miramonte recommended that expense for additional boulders and on-going improvements be budgeted for Fiscal 2001.

Water Consumption: M. Hanner voiced concern about water consumption. Miramonte reported that LCC has checked the common area irrigation meters and the meters indicate no movement. B. Hanner will request S. Cobbledick to provide M. Hanner with copies of monthly water meter readings.

There being no further business, the meeting was adjourned at 8:32PM.

Respectfully Submitted,

A. Naini, Secretary Date:

S: 118-0100 Minutes.doc/lpy2/2/00

**HILLER HIGHLANDS PHASE ONE HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
SATURDAY, APRIL 1, 2000
9:30 AM, 45 SPYGLASS HILL**

AGENDA *Subject to Change*

- I. 9:30AM CALL TO ORDER** – B. Hanner
- II. HOMEOWNERS FORUM** (Items From The Floor will be kept to 15:00 minutes. Following Homeowners Forum, Homeowners are welcome to stay and observe the remainder of the Board Meeting. However, they may not participate in the proceedings or discussions. Thank you for your cooperation.)
- III. MINUTES** – N. Flanders
1. Review and approval of 1999 Annual Meeting Minutes: Review of meeting recording
 2. No previous meeting minutes to approve
- IV. TREASURER'S REPORT** – M. Hanner
1. February 29, 2000 Financial Statement
 2. Aging/Delinquency Report
 3. Review of investment plan for asset accounts
 4. Reserve fund review update
- V. MANAGEMENT REPORT** – B. Hanner/Miramonte Company
1. Action Items/Site Inspection – Review of 2/17 site report
 2. Correspondence - #9 & #46
 3. Maintenance Items
 - Fence repair at #26 *24*
 4. Document Storage update
- VI. UNFINISHED BUSINESS**
1. CC&R Revision and Amendments– M. Hanner, N. Flanders
 - Revision: Re-entry and review process
 - Dues adjustment amendment
 - Investigation of other issues
 2. Deck Repairs/Seal Units #40-46
 - Plants at #46
 - Schedule from Delchini
 - Add benches to bid
 3. Drainage Repairs Proposals for upper V-ditch
 - Contact Phase III (Robert Farwell)
 4. Approval of items from March 4 meeting
 - A.C. Unit at #31
 - Light Shades for carports at #60/62
 - CORE contribution of \$350
- VII. NEW BUSINESS**
- 1.
- VIII. LANDSCAPE REPORT**
1. 2000 improvements update
 2. Schedule review of 2001 improvements
- VIII. NEWSLETTER ITEMS**
- IX. 11:00 AM ADJOURN**
NEXT MEETING: _____ LOCATION: _____

**HILLER HIGHLANDS PHASE ONE
Minutes of the Board of Directors
April 1, 2000 at 45 Spyglass Hill
NOT YET APPROVED**

I. Call to Order

Basha Hanner called the meeting to order at 9:37 a.m. with all Board Members present: Basha Hanner, Mark Hanner, Tricia Swift, Nancy Platford, Ned Flanders

II. Approval of Minutes

The Board discussed the motion, made at the 2000 Annual Meeting, to table approval of the Minutes for the 1999 Annual Meeting. The issue concerned the vote on an amendment to the CC&Rs proposed by Jim Douglas concerning insurance. Those who listened to the voice recording reported that the minutes taken by Diane Reilly accurately reflected the proceedings. A motion to approve the Minutes of the 1999 Annual Meeting was moved/seconded/passed (m.s.p.).

A draft of the Minutes of the Annual Meeting for 2,000 will be prepared and distributed after they have been received and reviewed by the Board.

III. Treasurer's Report

Mark indicated the need to divide the World Saving CD, due 4/01/00, into staggered, smaller CDs to provide more flexible access when cash might be needed from reserve funds. It was m.s.p. to have Mark investigate investment options with Miramonte and proceed immediately with reinvesting the funds in order to create more accessible reserve funds. Mark distributed a report of the current balances in the associations accounts as of 2/29/00: operating fund: \$15,178.63, reserve fund: \$106,665.58.

IV. Site Report

Basha joined Lin Yates of Miramonte for an inspection walk-through of our property on February 17th. Basha will follow up on any pending items.

V. Old Business

Nancy agreed to represent the Board for the refurbishing of the deck at #40-46 by Delchini Construction.

Tricia volunteered to represent the Board for the modification of the upper ditch drainage problem. We will contact the President of Phase III regarding sharing costs.

The Board ratified items passed by the previous Board when they met at the 3/4/00 study session. They were: (a) approval of plans for air conditioning at #31; (b) shades for carport lights at #60-62; and (c) a contribution to CORE of \$350.

The Board discussed issues associated with changing the CC&Rs. Ned, Tricia, and Mark will continue to work on the necessary plans.

VI. Landscape Report

Basha gave her report on landscaping. We have completed most of the improvements that were scheduled for this year. Basha will continue to represent the Board on all matters concerned with landscaping.

VII. Adjournment

The meeting adjourned at 11:45 a.m.

The next Board Meeting will be held at 45 Spyglass Hill on Monday June 12th at 6:30 PM. All homeowners are welcome to attend.

HILLER HIGHLANDS PHASE ONE
Minutes of the Board of Directors
April 1, 2000 at 45 Spyglass Hill

[REDACTED]

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MEMORANDUM

May 4, 2000

TO : Basha, Mark, Tricia, & Nancy plus Lin at Miramonte

FROM : Ned Flanders

SUBJECT : Preparation for the next Board Meeting, June 12th.

1. Mark and I had a useful discussion, May 2nd, to see if we could agree on next steps on two issues which now confront the Board. First, we discussed possible next steps whereby the Board will present to the HOs a proposal to equalize insurance payments for fire and earthquake costs such that each HO pays for the insurance that actually applies to his/her unit. Both Mark and I agree that the Board should find a way to adjust monthly dues regarding the cost of insurance, but there are alternative ways to bring this about. Second, the Board may wish to reconsider whether the last attempt to revise the CC&Rs regarding "The Third Amendment, Article VIII, Section 2", the Jim Douglas amendment, is worded in the best possible language. Mark and I believe it is important to help HOs understand the distinction between the construction costs to rebuild after some future fire and the HO's responsibility to insure any improvements that have already been completed at his or her own expense.

I suppose I should add that Mary and I will be out of the USA May 5 to 26, and this Memorandum is an attempt to save time. It is my hope, and I believe Mark's also, that we should prepare for the June 12th Board meeting in such a way that we can progress on at least two fronts. First, in terms of the two issues mentioned above, and second, in terms of proceeding with a full revision of our CC&Rs which, apparently, has already been contracted with a qualified lawyer. On both issues, we will need the advice of Lin and Miramonte.

2. Since Mark and I agree that an adjustment of the monthly dues should be made whereby HOs pay their own fair share of fire and earthquake insurance, we--and the Board should it agree--must next decide how best to bring this about. Let me outline first what I believe to be Mark's preferred procedure.

a. We should make a new audit of the square feet assigned to each unit. Mark believes that Miramonte will be able to advise us on how to make such an audit. For example, there are some blue prints of each building. Either volunteers from our Board, or Miramonte through its present contractual obligations, could analyze these blue prints. Such a procedure should provide an authenticated, current assessment of square feet for each unit. If I understand Mark correctly, his major reason to complete an audit is to protect the Board against complaints by HOs and, in addition, to establish square foot data as accurately as possible.

b. In my view the Board could proceed, should it agree, without making an such audit. One reason for skipping an audit is that the actual changes in the percentage assigned to a given unit would be very small (I believe). As a member of the Board, I believe I could reassure a HO by saying: (a) we are in fact over insured and the Board will receive more than enough insurance funds from a successful claim to repair or rebuild any unit or units on the street so don't worry about your coverage or about small errors; (b) Jack Graham says the square foot figures used by Farmers are based on pre-fire records and since our current CC&Rs required the Board to rebuild (after the fire) on the same sized foundations, these numbers are still valid; and (c) I believe that even an audit of the blueprints will involve errors and, since we must learn to live with errors, why worry about inconsequential differences.

c. I have told Mark that if the only way we can adjust the cost of insurance to the individual HOs is by conducting an audit I would vote for the audit since getting the job done is most important. I do believe, however, that in this case we could skip the audit should we choose to do so which would save time and possibly additional expense.

3. When I talked with Jack Graham on the telephone it sounded as if the blue prints would not enter into a successful claim. He said the "bottom lines," that is the cost of fire and earthquake insurance and the proceeds from a successful claim, are based, in large part, on the square foot records on file with the insurance company. If this line of reasoning is followed, then I would propose the following wording:

On the first draft for equalizing insurance costs that I already submitted to the Board, I would be glad to eliminate "annual cost" and, instead, use "cash requirement" which has been suggested by Mark. He also suggested that the phrase "living space" be eliminated. Perhaps the draft might read -- " . . . according to the following percentage schedule, based on square feet assigned by the insurance provider, to be rounded off to the nearest full dollar amount. . . ."

Mark and I also agree that the percentage figures in my draft appear to have been confirmed by Mark's new calculations. However, the results of an audit might require small changes.

4. With regard to the change in the CC&Rs recommended by Jim Douglas the consistent use of square feet instead of " . . . building plans on file with the board." could also lead the attorney who is rewriting the CC&Rs to some different phrases which refer to "values assigned by the insurance provider" or some similar wording. In any case, it is very important to have the gist of this amendment in our CC&Rs so that a "prudent owner" is aware of the need to purchase his or her own insurance in the case of improvements made by a HO.

5. Another factor is the time schedule. We may need to speed up the revision of the CC&Rs already under contract. The rewrite attorney should submit a proposed revised CC&Rs to the Board promptly. The Board will then need additional time for discussion and agreement. But we must remember that the time consuming task we faced in the 1985-86 CC&R revision was to schedule and carry out small living room discussions so that the required 27 votes can be achieved. You may recall that these meetings were so successful the vote finally was unanimous. If we are required to involve mortgage holders, we will need additional time to notify them and then help them truly understand why insurance costs should be pro-rated. I am sure we can accomplish these revisions and I hope we can do it in a timely fashion.

6. I am going to Email a copy of this Memorandum to Lin at Miramonte and would like very much to hear her reactions hopefully between May 26, when we return, and the June 12 meeting. With the necessary long delay to the June 12 meeting, I think preparation now for that meeting becomes even more important.

**HILLER HIGHLANDS PHASE ONE HOMEOWNERS ASSOCIATION
MANAGEMENT UPDATE
JUNE 2000**

INSURANCE REVIEW: The Association's insurance agent, Jack Graham, has been invited to attend the June 12, 2000 Meeting to provide a brief overview of the Association's insurance policy. This presentation should take no longer than 15 minutes.

EARTHQUAKE INSURANCE: Recently, due to extenuating circumstances, the earthquake insurance premium payment for was not paid on time. We suggest that Miramonte Company be authorized to sign certain checks to ensure their timely payment. Please note, we have investigated automatic deduction and have been advised that it is not permitted.

RESERVE STUDY UPDATE: Miramonte received a proposal from Reserve Data Analysis to conduct either a full on-site inspection of the Reserve components for \$678.00, or compilation update in the amount of \$468.00. In light of the fact that the Association will be conducting asphalt seal coating this year and will implement drainage repairs, we recommend that at the least, an updated compilation be conducted. A copy of the proposal will be brought to the meeting.

EROSION CONTROL REPAIRS: B. Hanner signed the contract for erosion control repairs, Option 3, "Direct to the Street" and forwarded same to Ned Clyde Construction. Miramonte has left a voice mail message for Dave Chisholm, New Clyde Construction, to advise him that the Association would like to schedule the repairs. We will advise you of the applicable date. Miramonte prepared a letter to Jay Schmidt, President Hiller III, confirming Hiller III's agreement to share the cost of the repairs.

DECK REFINISHING UNITS # 40-46: Both B. Hanner and Miramonte have spoken with John Delchini regarding the deck refinishing. While this project has been postponed several times due to weather conditions, it is still on the books to be implemented.

STREET RESEALING PROJECT: It is our understanding that the Board has approved this project. We recommend that notices be sent to all members as soon as possible (remember vacation season is upon us) and reminder notices are posted the week of the repairs. We will notify Landscape Care to turn off the irrigation in those areas adjacent to asphalt prior to the repairs and when the water can be turned back on. We will need to check the garage collection day. The Association will want to keep garbage trucks off the asphalt for no less that 96 hours after seal coat has applied. The Association should also contact the local Fire Department to advise them of this project.

JULY 4TH PARTY: Mary Roth and Mary Flanders will coordinate a July 4th party. It is our understanding that Ed Ono will be contacted to coordinate a street patrol.

EBMUD WEED CONTROL: A request has been submitted by #60 for weed removal. B. Hanner pursued EBMUD to clear hillside and work was performed on 5/31/00.

Prepared By: Lin Yates, CCAM, Community Association Manager

Date: June 8, 2000

HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL
c/o Miramonte Company
1225 Alpine Road, Suite 206
Walnut Creek, CA 94596

BOARD OF DIRECTORS MEETING
MONDAY, JUNE 12, 2000
6:30PM, 45 SPYGLASS HILL

MEETING MINUTES

BOARD MEMBERS PRESENT: Basha Hanner, Mark Hanner, N. Flanders, N. Platford (departed at 8:00PM), T. Swift (present at 7:10PM)
MIRAMONTE COMPANY REPRESENTED BY: L. Yates
MEMBERS PRESENT: None
GUESTS: Jack Graham, Farmers Insurance

CALL TO ORDER

The Meeting was called to order by the President, B. Hanner, at 6:34PM. Agenda Amended.

INSURANCE REVIEW

Farmer's Insurance Agent, Jack Graham, present to review the Association's general liability, earthquake and property insurance policies. Miramonte recommended that the Association obtain Workers Compensation Insurance. The Board determined Worker Compensation coverage is not necessary. No action taken. Discussion regarding proposed CC&R amendment; base allocation of that portion of the regular assessment for insurance on the unit square footage. Discussion regarding having each Owner confirm/agree unit square footage and/or providing the Association with a copy of unit appraisal. Discussion regarding requiring each Owner to insure individual improvements to the unit. Mr. Graham requested to determine if Earthquake Insurance renewal date could be changed to coincide with general liability/property insurance renewal. Mr. Graham will prepare a letter summarizing insurance coverage and provide information regarding Earthquake Loss Assessment coverage. N. Flanders volunteered to forward Mr. Graham with copies of insurance recommendations prepared by the late Jim Douglas. Miramonte instructed to send a member roster to Mr. Graham. B. Hanner thanked Mr. Graham for his service during the rebuilding and continuing to present.

HOMEOWNERS FORUM

None

MINTUTES

MOTION: N. Flanders moved, T. Swift seconded to approve the April 1, 2000 Meeting Minutes as given. **PASSED**

TREASURER'S REPORT

Reserve Study Update: **MOTION:** N. Flanders moved, T. Swift seconded to have Reserve Data Analysis conduct a full on-site Reserve Study Update. **PASSED**
Miramonte to coordinate on-site review following completion of asphalt and soil erosion repairs.

May 31, 2000 Financial Statement: M. Hanner reported that as of May 31, 2000 the total current assets are \$109,318.31.

Initials: _____

Aging/Delinquency Report: No delinquencies at this time.

Reserve Account Investment: **MOTION: T. Swift moved, N. Flanders seconded to authorize M. Hanner to consult with Miramonte regarding investment of Reserve Funds to maximize interest. PASSED**

MANAGEMENT REPORT

Document Storage Update: B. Hanner reported that she and M. Hanner will review the Association's stored files and condense files down to two boxes.

UNFINISHED BUSINESS

Governing Documents Amendments: Miramonte instructed to forward copies re-typed amendments to the Law Offices of Ann Rankin and advise legal counsel of proposed amendment to allocate insurance premium based in unit square footage. Miramonte instructed to have Ann Rankin to advise Board if the Association is required by statute or precedent to notify mortgage carriers regarding proposed governing documents amendments. T. Swift volunteered to determine if Third Amendment has been recorded. N. Flanders will provide proposed insurance amendment information to Miramonte within four weeks. Miramonte instructed to forward proposed insurance allocation information to Ann Rankin.

All Bay Electric Carport Lighting/Light Shades: **PENDING**

Deck Refinishing Unit #40-46: B. Hanner reported that contractor John Delchini is scheduled to refinish the decks the week of June 19, 2000, weather permitting. **PENDING**

Ned Clyde Construction – Drainage Improvements Rear Unit #1: Miramonte reported that they sent a letter to the President of Hiller Highlands Phase III development to obtain written confirmation that the Phase III will share cost of drainage improvements.

MOTION: T. Swift moved, N. Flanders seconded that Hiller Highlands Phase I shall bear the cost of any additional expenses, exceeding contract amount, that may be incurred as a direct result of the drainage repair. PASSED

Miramonte instructed to have hay bales removed upon completion of drainage repair.

NEW BUSINESS

Street Resealing Project Update: Miramonte instructed to confirm the dates for street resealing with Dryco, prepare membership notices and forward to B. Hanner for distribution. N. Flanders volunteered to contact F. Booker to confirm location of any applicable asphalt repairs and advise B. Hanner.

July 4th Party: B. Hanner reported that M. Flanders and M. Roth will coordinate Fourth of July party. N. Flanders volunteered to reserve tables. B. Hanner will contact E. Ono regarding security and "taping off" street. B. Hanner to contact LCC re irrigation on the 4th.

EBMUD District: B. Hanner reported that EBMUD has completed weed abatement down to the Reservoir as she requested.

Barriers on Path to Club: B. Hanner reported walk path to the Club has deteriorated. Path was in existence and functional for 25 years prior to the 1991 firestorm. The Club has failed to maintain the drainage, which has accelerated deterioration. B. Hanner spoke to the Club Manager regarding installation of unsightly barriers and posting of proper signage. Tim Palmer at club and B. Hanner recommended that all Spyglass Hill Club members lobby the Club for a new path in September before the club sets budget for 2001.

Initials: _____

Non-Compliance: Miramonte instructed to send a letter to Unit #44 regarding carpet stored in carport.

LANDSCAPE REPORT

Renewal of Contract with Landscape Care Company: **MOTION: T. Swift moved, N. Flanders seconded to renew Landscape Care Company's maintenance contract as of June 2000. PASSED**

Report on Recent Landscape Improvements: B. Hanner reported that all 2000 improvements have been completed.

Warranty Replaced of Failed Plants: B. Hanner reported Landscape Care has replaced any failed plant material at no charge and fill-in work has been completed. B. Hanner will investigate plant material health. B. Hanner will have Landscape Care trim between Units #1 and #3.

Resolution of Landscape Problem Unit #20: No further action to be taken.

Schedule Review of Proposed 2001 Improvements: B. Hanner will review proposed improvements in August in preparation for fiscal year 2001 budget.

NEWSLETTER ITEMS

Street Sealing – sharing cost with the Club and other phases. Fourth of July Party. Soil Erosion repairs to be split with Phase III. Remove items stored in the common area. Budget Meeting to be held August 7, 2000, 6:30PM, #45. (add items: Thanks to M. Flanders and M. Roth for party and Ed Ono for security of street on the 4th. No planting in common area, no pots, planters or mats on deck. Letter writing campaign to club to rebuild path.)

There being no further business, the meeting was adjourned at 9:00PM. Next Meeting - Budget Meeting, August 7, 2000, 6:30PM, #45.

Respectfully Submitted,

N. Flanders, Secretary

Date: July 12, 2000

**HILLER HIGHLANDS PHASE ONE HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
MONDAY, JUNE 12, 2000
6:30 PM, 45 SPYGLASS HILL**

AGENDA *Subject to Change*

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- III. **MINUTES** – N. Flanders
 1. Review and approval of April 1 Meeting Minutes: Review of meeting recording

- IV. **TREASURER'S REPORT** – M. Hanner
 1. April/May, 2000 Financial Statement
 2. Aging/Delinquency Report
 3. Review of investment plan for asset accounts

- V. **MANAGEMENT REPORT** – B. Hanner/Miramonte Company
 1. Action Items/Site Inspection – Review of 2/17 site report
 2. Correspondence - #9 & #46
 3. Maintenance Items
 - Fence repair at #26
 4. Document Storage update

- VI. **UNFINISHED BUSINESS**
 1. Basha to contact Bernie at All-Bay Electric about Light shades
 2. No activity on Deck refinishing. ~~Don't use Delchini – get new bid from reputable contractor ASAP.~~ *Should happen before 6-12*
 3. Erosion control job Phase III has agreed to pay half of job. Contract is signed, review next steps. Schedule commencement of work.
 4. CC&R Revision and Amendments– M. Hanner, N. Flanders
 - Revision: Re-entry and review process
 - Dues adjustment amendment
 - Investigation of other issues

- VII. **NEW BUSINESS**
 1. Street resealing project update
 - Project approved in May
 - Ned/Miramonte: send notices to all homeowners on work schedule (**July 9/10**) and parking arrangements
 2. July 4:
 - Party to be coordinated by Mary Roth and Mary Flanders
 - Coordination of street patrol: work with Ed Ono
 3. EBMUD weed control: Request from #60 for weed removal: Basha pursued EBMUD to clear hillside and work was performed on 5/31
 4. Barriers on path to club

- VIII. **LANDSCAPE REPORT**
 1. Renewal of contract with Landscape Care
 2. Report on recent improvements
 3. Warranty replacement of failed plants and fill-in work completed at no charge.
 4. Resolution of landscaping problem at #20: resolved with homeowner
 5. Schedule review of 2001 improvements

- VIII. **NEWSLETTER ITEMS**
 1. Deck
 2. July 4
 3. Street Reseal
 4. Erosion Job

MINUTES PHASE ONE BOARD
Monday, August 7, 2000
(Preliminary report: not yet approved by the Board)

- I. Meeting was **called to order** at 6:45 p.m. Present were: B. Hanner, M. Hanner, N. Platford, and N. Flanders. T. Swift arrived at 7 p.m. N Platford had to leave at 7:22 p.m.
- II. It was MSP to **approve of the minutes** of the Board meeting on the June 12, 2000.
- III. M. Hanner presented the **Treasurer's Report**. He reports that all dues have been paid with the exception one HO who has not paid a returned check fee. There will be a full discussion of the budget at the next meeting of the Board.
- IV. The **Management Report** for the month of June was submitted in a handout by Lin Yates of Miramonte Co. It will be distributed to the Board. In addition, there was a walk-through inspection of the entire property made by B Hanner and Lin Yates of Miramonte on July 18th.
- V. **Unfinished Business** -----
1. Light shades for open garage: Basha will contact All Bay Electric. (Contact made Aug. 10th)
 2. Deck refinishing, #42-#48, is completed.
 3. Ned Clyde erosion project to divert storm water is completed, not inspected, not paid yet.
 4. Sealcoat for Spyglass is completed, hole not repaired yet, Miramonte will follow up. (The hole was completed August 8 and bill will be paid within 30 days.)
 5. **Homeowners who are Club members** are urged to write to the Board of Directors, Highlands Country Club, and urge them to repair the pathway from Spyglass down to the parking area. During the month of September, if there is enough support, the Club Board may choose to allocate between \$15,000 to \$20,000 in the 2001 budget which is to be prepared in November. **Now is the time to write.**
 6. The Board wishes to thank Mary Flanders, Mary Roth, and Ed Ono for help with the July 4th picnic.
- VI. **New Business** -----
1. N. Platford will look into a "class action suit" with respect to defects in the dip-tubes of our hot water heaters. HOs should expect information about making claims in the next few weeks.
 2. The Board MSP a motion to install a new plaque recognizing the members of the 1991-93 Board not to exceed \$200 to replace the old one which has not weathered well. B. Hanner will follow up.
- VII. **Landscape Report** -----
1. Landscape plans for 2001 will be reviewed at the next Board meeting. Interested HOs should attend.
 2. The HO at #42 has requested removal of ground cover. B. Hanner has requested a bid from L.C.C. to spruce up this area. She will also work with the HOs at #42 and #48 to resolve improvements at both entrances
- VIII. **Revising the CC&Rs** -----
- Ann Rankin reports that she has finished the first draft of the Articles of Incorporation and the By-Laws. Rewriting the CC&Rs is still underway. There are a number of problems to be faced in revising the CC&Rs which will take time to resolve.
1. The CC&Rs of very few associations combine both Planned Unit Development (PUD) and Condominium deeds which are different.
 2. We need to check our current deeds to make sure they are consistent with "as-built" reality.
 3. The revised CC&Rs should also reflect current agreements about how space is shared. (e.g., shared laundry rooms; bills for utilities, shared basements, elevators, storage closets, expanded living areas not represented in current deeds, etc.) T. Swift will draft a letter to HOs addressing this.
 4. We need to reconsider how the cost of fire and earthquake insurance will be assessed to HOs.
- IX. **Adjourn** occurred at 8:20 p.m. Next meeting of the Board is scheduled for Thursday, September 7th at 6:30 p.m. at unit #45.

CLUB MEMBERS, REMEMBER TO WRITE TO THE CLUB BOARD

**HILLER HIGHLANDS PHASE ONE HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
MONDAY, August 7, 2000
6:30 PM, 45 SPYGLASS HILL**

AGENDA *Subject to Change*

- I. 6:30PM CALL TO ORDER** – B. Hanner
- II. HOMEOWNERS FORUM** (Items From The Floor will be kept to 15:00 minutes. Following Homeowners Forum, Homeowners are welcome to stay and observe the remainder of the Board Meeting. However, they may not participate in the proceedings or discussions. Thank you for your cooperation.)
- III. MINUTES** – N. Flanders
1. Review and approval of June 12 Meeting Minutes.
- IV. TREASURER'S REPORT** – M. Hanner
1. 2000 Financial Statement
2. Aging/Delinquency Report
3. Review of investment plan for asset accounts
- V. MANAGEMENT REPORT** – B. Hanner/Miramonte Company
1. Action Items/Site Inspection
2. Correspondence - #9 & #46
3. Maintenance Items
—
4. Document Storage update: Pending
- VI. UNFINISHED BUSINESS**
1. Light shades 60/62: No call backs
2. Deck Refinishing: Completed.
3. Erosion control job Phase III has agreed to pay half of job. Contract w/Ned Clyde is signed. Work is complete: Need inspection.
4. CC&R Revision and Amendments– M. Hanner, N. Flanders
- Revision: Articles and Bylaws done. Ann Rankin will provide for review this week.
 - Dues adjustment amendment: Reviewed and added.
 - Investigation of other issues:
 - Mix of PUD and Condo due to various CC& R provisions
 - CC&Rs may not match deeds
 - Deeds do not match as-built: Closets
 - Reconciliation of grants of exclusive use: basements, laundry rooms, closets.
5. Street resealing project update
- Completed except for can-spot: Withholding 100% of fees
6. July 4:
– Thanks to Mary Flanders, Mary Roth and Ed Ono
7. Barriers on path to club: Letter writing campaign
- VII. NEW BUSINESS**
1. Water heater defects: Class action suit.
- VIII. LANDSCAPE REPORT**
1. Schedule review of 2001 improvements
2. 2 new bids.
3. #42 landscape request: Impatiens at 42 & 48
4. Drainage test at #35
- VIII. NEWSLETTER ITEMS**
- 1.
- IX. 8:00 PM ADJOURN**
- NEXT MEETING:** _____ **LOCATION:** _____

HHPI ASSOCIATION
ACTION ITEMS JULY 2000 PAGE 2 OF 2

UNFINISHED BUSINESS

- | | | |
|-------------|---|--|
| 6/12/00 MLD | Send A. Rankin copies of re-typed Gov. Docs. | DONE |
| 6/12/00 AR | Draft Amendment to Gov. Docs.
Provide opinion regarding mortgage review of
Proposed amendments, precedent or law? | |
| 6/12/00 NF | Provide MLD with copies of proposed insurance
amendment by July 12, 2000 | |
| 6/12/00 MLD | Forward copies of proposed insurance amendment
to Ann Rankin | <i>Sample Deeds to A.R.
-Marked</i> |
| 6/12/00 TS | Contact Title Company to determine if Third Amendment
recorded
Provide recorded copy to Board and MLD | DONE
Copy provide to Board,
BH forwarded to AR |
| 6/12/00 BH | All Bay Electric – carport lighting and light shades | PENDING |
| 6/12/00 NCC | Soil Erosion repairs rear Unit #1, following asphalt | |
| 6/12/00 MLD | Bill Phase III for share of Ned Clyde Construction
repairs | |
| 6/12/00 MLD | Have Ned Clyde or LCC remove hay bales | |

NEW BUSINESS

- | | | |
|-------------|--|------------------|
| 6/12/00 MLD | Contact Dryco and verify date for seal cost | July 10 and 11th |
| 6/12/00 MLD | Draft notice re: street sealing, e-mail to BH | DONE |
| 6/12/00 BH | Distribute notices re: seal project | |
| 6/12/00 NF | Contact F. Booker re: asphalt repairs (Coke cans)
advise BH | |
| 6/12/00 NF | Reserve tables for Fourth of July party | |
| BH | Contact Ed Ono re: tape off street, security and
Irrigation | |
| 6/12/00 MLD | Follow up with #44 re: carpet in carport | |

COMMITTEE REPORTS

- | | | |
|--------------|---|------|
| 6/12/00 MLD | Send LCC signed contract | DONE |
| 6/12/00 BH | Inspect plant material health
Have LCC trim between Units #1 & 3 | |
| 6/12/00 B.H. | Review 2001 landscape improvement for budget
allocation | |

NEWSLETTER ITEMS

Street Sealing – sharing cost with the Club and other phases. Fourth of July Party. Soil Erosion Repairs to be split with Phase III. Remove items stored in the common area. Budget Meeting to be held August 7, 2000, 6:30PM, #45. (add items: Thanks to M. Flanders, M. Roth and Ed ono for 4th party. No plantings, no pots and mats on deck. Letter writing campaign to club to fix path.)

GOVERNING DOCUMENTS AMENDMENTS – LIST OF ITEMS TO BE ADDRESSED FROM SEPTEMBER 1999

1. Prorate cost of insurance based on square footage of each unit
 2. Amend dues assessment based on square footage of each unit
 3. Shared common area laundry room and PG&E bills – Units #
 4. Shared common area basement area under units #45 & 47 and #41 & 43
 5. Shared elevator area and maintenance units #45 & 47 and #51 & 53
 6. Shared carport/garage/storage closet areas Unit # ≥
 7. Conflict between CC&R's and Grant Deeds regarding assigned street parking
- S:118-0600 Minutes.doc/lpy

C
AM
system
with detailed descriptions of all descriptions.

funds to renovate the florescent carport lighting opposite #45 (current lighting is shining into residences.) Proposal from All Bay Electric **PENDING**.

Ned Clyde Construction – Drainage Improvements Rear Unit #1: Miramonte reported that B. Hanner and Miramonte reviewed drainage improvements August 16, 2000 and it appears work done as per contract. Miramonte reported that reimbursement of half the cost of the improvements is due from Hiller Highlands Phase III.

Governing Documents Amendments: Miramonte distributed copies of the first draft of the amended documents to the Board. The Amendment Committee, M. Hanner, T. Swift, N. Flanders, will conduct the first review, N. Flanders will collate all of the Committee's comments. Target date for first reviews September 22, 2000.

Barriers on Path to Club: N. Flanders and A. Saint sent letters to the Club to lobby for a new path. N. Flanders will represent the Association at the Club's Budget meeting in November.

Water Heaters Class Action Suit: N. Platford sent the applicable forms to all members. Ms. Platford will file the Class Action claim on behalf of those individuals who have responded, by September 10, 2000.

Street Resealing Project: Discussed under Management Report.

Firestorm Plaque: **MOTION: N. Flanders moved, N. Platford seconded to authorize the Association to pay the full cost of replacement of the firestorm plaque, approximate cost \$281.00. PASSED**

N. Flanders to assist C. Mead in the installation of the plaque.

NEW BUSINESS

Correspondence from #42: Miramonte instructed to send a letter to the Owner of 42 Spyglass Hill and advise them that the Unit Owner is responsible for maintenance of any exterior alarm equipment. Owners are responsible for exterior painting.

LANDSCAPE REPORT

B. Hanner presented the proposed renovation plan for Fiscal Year 2001. Ms. Hanner stated that the plan has been modified to accommodate problem areas but is in line with the five-year landscape improvement plan that was proposed two years ago. Estimated total budget \$10,000.

NEWSLETTER ITEMS

Next Board Meeting. Proposed Fiscal Year 2001 Budget - possible monthly regular assessment increase effective January 1, 2000. Barriers along Clubhouse path – Spyglass Hill members need to write to the Club lobby for a new path. Amended Governing Documents contact N. Flanders 510-841-8371 regarding shared facilities. Firestorm Plaque installation. Exterior carport lighting improvements planned.

TREASURER'S REPORT

Fiscal Year 2001 Budget: Preliminary Fiscal Year 2001 budget reviewed. M. Hanner recommended that the monthly regular assessment be increased to meet projected expenses. The Association is spending funds for improvements to the common area and the goal is to continue the with the improvements program.

Initials: _____

HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL
September 7, 2000 Page 3. Of 3.

Reserve Study Update: Miramonte reported RDA has completed the site review, the final report is **PENDING**.

August 31, 2000 Financial Statement: **TABLED**

Aging/Delinquency Report: No delinquencies at this time.

ADJOURMENT

MOTION: M. Hanner moved, N. Flanders seconded that there being no further business, the meeting was adjourned at 8:10PM. PASSED

Next Meeting October 12, 2000, 6:30PM, #45.

Respectfully Submitted,

N. Flanders, Secretary

Date:

S: 118-0900 Minutes.doc/lpy 9/9/00

HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL
c/o Miramonte Company
1225 Alpine Road, Suite 206
Walnut Creek, CA 94596

BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 7, 2000
6:30PM, 45 SPYGLASS HILL

MEETING MINUTES

BOARD MEMBERS PRESENT: Basha Hanner, Mark Hanner, N. Flanders, N. Platford
BOARD MEMBERS ABSENT: T. Swift
MIRAMONTE COMPANY REPRESENTED BY: L. Yates
MEMBERS PRESENT: M. Flanders, A. Saint

CALL TO ORDER

The Meeting was called to order by the President, B. Hanner, at 6:30PM. Agenda Amended.

HOMEOWNERS FORUM

Elevator Agreement: The Board requested that A. Saint provide them with a copy of her elevator use agreement.

Homeowners interested in 2001 landscape improvements were invited to this meeting: M. Flanders asked if more ivy would be added to the strip at the north end of Spyglass. B. Hanner responded that the existing five-year landscape plan already includes this area for improvements scheduled in 2001.

MINTUTES

MOTION: N. Flanders moved, N. Platford seconded to approve the August 7, 2000 Meeting Minutes as given. **PASSED**

MANAGEMENT REPORT

Street Resealing Project: B. Hanner reported that she met with Rick Flores, Dryco. Dryco has agreed to reseal the asphalt patch were the soda can was removed from the asphalt. Miramonte instructed to withhold final payment until repairs are complete. **PENDING**

Rodent Abatement: Miramonte instructed to advise Owners that they should contact the City of Oakland Vector Control if they have problems with rodents.

Landscaping: Miramonte instructed to send a letter to #40 Spyglass Hill and advise Owner that the landscape contractor is instructed to only take direction from their Supervisor or the management company. Members need to work through the Board of Directors & the landscape chair concerning landscape matters.

Document Storage Update: **PENDING**

UNIFINSHED BUSINESS

All Bay Electric Carport Lighting/Light Shades: B. Hanner reported that the Board has authorized

Initials: _____

HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL

August 7, 2000 Page 2. Of 3.

funds to renovate the florescent carport lighting opposite #45 (current lighting is shining into residences.) Proposal from All Bay Electric **PENDING**.

Ned Clyde Construction – Drainage Improvements Rear Unit #1: Miramonte reported that B. Hanner and Miramonte reviewed drainage improvements August 16, 2000 and it appears work done as per contract. Miramonte reported that reimbursement of half the cost of the improvements is due from Hiller Highlands Phase III.

Governing Documents Amendments: Miramonte distributed copies of the first draft of the amended documents to the Board. The Amendment Committee, M. Hanner, T. Swift, N. Flanders, will conduct the first review, N. Flanders will collate all of the Committee's comments. Target date for first reviews September 22, 2000.

Barriers on Path to Club: N. Flanders and A. Saint sent letters to the Club to lobby for a new path. N. Flanders will represent the Association at the Club's Budget meeting in November.

Water Heaters Class Action Suit: N. Platford sent the applicable forms to all members. Ms. Platford will file the Class Action claim on behalf of those individuals who have responded, by September 10, 2000.

Street Resealing Project: Discussed under Management Report.

Firestorm Plaque: **MOTION: N. Flanders moved, N. Platford seconded to authorize the Association to pay the full cost of replacement of the firestorm plaque, approximate cost \$281.00. PASSED**

N. Flanders to assist C. Mead in the installation of the plaque.

NEW BUSINESS

Correspondence from #42: Miramonte instructed to send a letter to the Owner of 42 Spyglass Hill and advise them that the Unit Owner is responsible for maintenance of any exterior alarm equipment. Owners are responsible for exterior painting.

LANDSCAPE REPORT

B. Hanner presented the proposed renovation plan for Fiscal Year 2001. Ms. Hanner stated that the plan has been modified to accommodate problem areas but is in line with the five-year landscape improvement plan that was proposed two years ago. Estimated total budget \$10,000.

NEWSLETTER ITEMS

Next Board Meeting. Proposed Fiscal Year 2001 Budget - possible monthly regular assessment increase effective January 1, 2000. Barriers along Clubhouse path – Spyglass Hill members need to write to the Club lobby for a new path. Amended Governing Documents contact N. Flanders 510-841-8371 regarding shared facilities. Firestorm Plaque installation. Exterior carport lighting improvements planned.

TREASURER'S REPORT

Fiscal Year 2001 Budget: Preliminary Fiscal Year 2001 budget reviewed. M. Hanner recommended that the monthly regular assessment be increased to meet projected expenses. The Association is spending funds for improvements to the common area and the goal is to continue the with the improvements program.

Initials: _____

HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL
September 7, 2000 Page 3. Of 3.

Reserve Study Update: Miramonte reported RDA has completed the site review, the final report is **PENDING**.

August 31, 2000 Financial Statement: **TABLED**

Aging/Delinquency Report: No delinquencies at this time.

ADJOURNMENT

MOTION: M. Hanner moved, N. Flanders seconded that there being no further business, the meeting was adjourned at 8:10PM. PASSED
Next Meeting October 12, 2000, 6:30PM, #45.

Respectfully Submitted,

N. Flanders, Secretary

Date:

S: 118-0900 Minutes.doc/lpy 9/9/00

**HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL**

**ACTION ITEMS
OCTOBER 2000**

DATE	ASSIGN	TASK	STATUS
<u>OUTSTANDING ITEMS</u>			
6/12/00	RDA	Conduct Reserve Study update following completion of asphalt sealing and soil erosion repairs.	PENDING
6/12/00	Board	Approve Fiscal Year 2001 budget no later than 11/10/00 so Miramonte can mail prior to November 15, 2000.	
6/12/00	MLD	Distribute Fiscal Year 2001 budget package by 11/15/00	<i>PENDING</i>
6/12/00	Ins.	Send letter and insurance summary to members and info. Re: EQ loss assessment coverage	
		Investigate change of EQ insurance renewal	
		Date to coincide with GL policy	
6/12/00	NF	Fax J. Graham copy of J. Douglas insurance recommendations	need status
6/12/00	BH	Condense HOA stored files to two (2) boxes	PENDING
		Advise L. Yates so bid can be obtained to scan documents for CD-ROM	
6/12/00	BH	All Bay Electric – carport lighting and light shades	PENDING
Aug 00	MLD	Payment due from Phase III for share of Ned Clyde Construction repairs	

TABLED/PENDING ITEMS

9/9/99	Board	Incorporate adjust dues based on Sq. Footage in governing documents amendments
9/9/99	Board	Paint house numbers on curbs
9/9/99	Board	Paint parking space numbers on curbs

HOMEOWNERS FORUM

None

MINUTES

On going MLD Send draft of Meeting Minutes to Board for review via e-mail

TREASURER'S REPORT

9/7/00	Board	review and approve Fiscal Year 2001 budget
9/7/00	RDA	Reserve Study due
9/7/00	MLD	Send RDA report to Board ASAP for budget prep.

MANAGEMENT REPORT

9/7/00	MLD	Contact Unit #38 re: Vector Control Contact Garden Plus Pest
9/7/00	MLD	Send letter to Unit #40 Do not plant in common area work through Board to address any thoughts and concerns about landscaping. Please be understanding that landscapers are instructed to only take direction from their Supervisor or Management. Landscape in common area is the Association's responsibility and the Board instructs Landscape Care what action should be taken

UNFINISHED BUSINESS

9/7/00 B. H. Advise MLD when DRYCO has re-sealed asphalt
were coke can was
9/7/00 MLD Release payment to DRYCO
9/7/00 MLD Draft letter to members re: shared amenities 9/9/00 sent to Board
9/7/00 N.F. Attend Club Budget meeting in November to lobby for
installation of new path
9/7/00 N.P. File Class Action suit re: water heaters
9/7/00 Board Order brash firestorm plaque

NEW BUSINESS

9/7/00 MLD Send letter to Unit #42, Board reviewed your letter
dated August 18, 2000 as their last meeting. As Owner
of the alarm system you responsible for contacting
Ennovative Security to have the alarm box replaced or
repainted. Exterior maintenance of the unit, including painting
is each Owners responsibility.

COMMITTEE REPORTS

None

NEWSLETTER ITEMS

Next Board Meeting to be held October 12, 2000, 6:30PM, #45. Proposed Fiscal Year 2001 Budget will be reviewed at October 12, 2000 meeting. Board is considering a possible monthly regular assessment increase effective January 1, 2000. The amount of the increase has not been finalized. The budget will be distributed by November 15, 2000. Barriers along Clubhouse path – Spyglass Hill members need to write to the Club lobby the Club for a new path. Amended Governing Documents - if you share any facilities with your neighbor such as an elevator, laundry room, storage, etc.. or if you have made any architectural improvements to the unit please contact N. Flanders 510-841-8371 to provide him with the information. Firestorm – The Association is purchasing a plaque to honor the Firestorm. Thanks to C. Mead and N. Flanders for installing the plaque. Exterior Lighting – Board has approved funds to renovate some of the exterior carport lighting improvement. Some of the current fluorescent fixtures shine into individual homes. Rodent Control: Advise Owners that they should contact City of Oakland Vector Control if they have problems with rodents in or around their home.

GOVERNING DOCUMENTS AMENDMENTS – LIST OF ITEMS TO BE ADDRESSED FROM SEPTEMBER 1999

1. Prorate cost of insurance based on square footage of each unit
 2. Amend dues assessment based on square footage of each unit
 3. Shared common area laundry room and PG&E bills
 4. Shared common area basement area under units #45 & 47 and #41& 43
 5. Shared elevator area and maintenance units #45 & 47 and #51 & 53
 6. Shared carport/garage/storage closet areas
 7. Conflict between CC&R's and Grand Deeds regarding assigned street parking
- S:118-0900 Minutes.doc/lpy

**HILLER HIGHLANDS PHASE ONE HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 7, 2000
6:30 PM, 45 SPYGLASS HILL**

AGENDA *Subject to Change*

I. 6:30PM CALL TO ORDER – B. Hanner

II. HOMEOWNERS FORUM (Items From The Floor will be kept to 15:00 minutes. Following Homeowners Forum, Homeowners are welcome to stay and observe the remainder of the Board Meeting. However, they may not participate in the proceedings or discussions. Thank you for your cooperation.)

III. MINUTES – N. Flanders
1. Review and approval of August 7 Meeting Minutes.

IV. TREASURER'S REPORT – M. Hanner
1. 2001 Budget
2. July 2000 Financial Statement
3. Aging/Delinquency Report

V. MANAGEMENT REPORT – B. Hanner/Miramonte Company
1. Action Items/Site Inspection – Lin Yates update.
2. Maintenance Items
3. Document Storage update: Pending

VI. UNFINISHED BUSINESS
1. Light shades for 60/62 carports: All-Bay Electric to inspect/bid
2. Erosion control job Phase III has agreed to pay half of job. Work is complete, inspection completed on 8/16: Update from Lin Yates
3. CC&R Revision and Amendments– M. Hanner, N. Flanders
 – Revision: Status from Ann Rankin
 – Review of deeds
 – Specification of actual use (closets, laundry rooms, elevators) and reconciliation of grants of exclusive use
 – Update on quit claim deeds from T. Swift
4. Street resealing project update:
 – Completed except for can-spot. Withholding 100% of fees: B. Hanner meeting with DryCo on 9/6.
5. Barriers on path to club: Letter writing campaign: Notice to homeowners to do phone calls/letters to the club.
6. Water heater defects: Class action suit.
7. Firestorm plaque: In progress, total cost \$281, saving ~~\$50~~¹⁵⁰ due to Chris Mead's offer to install it himself.

VII. NEW BUSINESS
1. Letter from #42

VIII. LANDSCAPE REPORT
1. Review of 2001 improvements

VIII. NEWSLETTER ITEMS
1. Review open items if any

IX. 8:00 PM ADJOURN
NEXT MEETING: _____ **LOCATION:** _____

HILLER HIGHLANDS PHASE I ASSOCIATION
SPYGLASS HILL
c/o Miramonte Company
1225 Alpine Road, Suite 206
Walnut Creek, CA 94596

BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 16, 2000
6:30PM, 1 SPYGLASS HILL

MEETING MINUTES not yet approved by the Board.

BOARD MEMBERS PRESENT: Basha Hanner, Mark Hanner, N. Flanders, T. Swift, N. Platford
MEMBERS PRESENT: Diane Reilly, Roger and Faye Baron, Evan Delegeane, and Fred Booker

CALL TO ORDER

The Meeting was called to order by the President, B. Hanner, at 6:32PM.

HOMEOWNERS FORUM

The principal topic was the removal of three trees between #48 and #60 on October 5th. Basha ordered the trees removed after conferring with Mike Barton of L.C.C. who is in charge of our landscape service. She presented a report dated 9/21/00 from Mike recommending the removal of three birch trees. She also obtained the signatures of six neighbors after the trees were cut which indicated they approved of removing the trees to protect their views. Two members of the Board and at least two guests criticized the removal of the three birch trees for various reasons. They pointed out that the two homeowners in #44 & #46 who live adjacent to the site were not consulted about removing the trees before the cutting took place, instead they expected the trees would only be topped. One HO described the removal as "another ugly cutting" and objected more to how it was done rather than what was done. Another HO pointed out that tree trimming in the past has been poorly done, that the Board should hire a specialist for tree trimming and not depend on our regular gardeners, and that communication among all HOs involved was a necessity. One HO supported the action and said the previous Board was aware that the tall birch trees were dying and that there was a five year plan which included removing trees that will ultimately block views. The special meeting to be held on Nov. 18th at 9AM will discuss long range landscape plans for the area nearest units 38, 40, 42, 44, 46, and 48 and a special announcement will be distributed to all HOs and it was suggested that further tree trimming be deferred until after that meeting.

Additional comments on landscaping included the observation that there is a Thrip infestation along the street, which needs action.

By way of summary, it was said that protecting views was and is essential, that in this case neighbors whose views were involved were consulted and did approve of topping the trees, but it appears that no HOs were consulted about the choice to remove the three birch trees before Oct. 5, especially those who look directly at the site.

The next topic was the stucco building defect. R Baron has been very pleased with the job Basha has done regarding this problem. See new business.

At 7:30 p.m. three of the HOs left.

MINTUTES

MSP to approve the September 7, 2000 Meeting Minutes as given. It was suggested that we ask Miramonte to acknowledge receipt of e-mail messages so we know that they arrived.

TREASURER'S REPORT

The proposed budget for 2001 must be completed by October 31. Board members should react to Mark's budget proposals by Friday/Saturday, Oct 27-28 and e-mail other Board members so we all know each other's opinions.

1. As a result of the reserve management study Mark believes we should anticipate a monthly contributions to the reserve of \$1,213.16. This compares with about \$420 per month this year.
2. Mark presented future annual budget estimates that would result from increasing monthly dues of HO's over the present payments of \$210, and given expected increases in costs, the association will run significant deficits without a significant increase in the dues over the next two years. Mark presented a plan that will put the association in the black within 2 years with a stepped increase in the dues that will be discussed at the October 30 budget meeting.
3. The current balances of our accounts is \$7,524.67 in the operating account and \$91,458.37 in the reserve account.
4. Monthly dues payments are not delinquent, however one homeowner has refused to pay a bounced check fee due to an error by their bank. The association has paid this fee.

UNFINISHED BUSINESS

1. Erosion control job is complete. Phase III has paid half the cost. Letter of thanks sent to President of Phase III.
2. CC&R revisions and amendments are proceeding very slowly because it is a difficult task. We will need to meet as a Board (like Oct. 30th) for both the CC&Rs and the budget. Mark has distributed a typed set of modifications for the By-Laws so that all Board members can be prepared to discuss final Board changes. We need to do the same thing with the CC&Rs. We believe that a single definition of the Common Area is desirable, but we have to check on the opinion of a lawyer in Ann Rankin's firm. The response to a Miramonte letter to describe agreements with neighbors has failed. Trish was to have written a letter. It was suggested that a letter be sent directly to those HO's who are involved in parking, storage, and/or other agreements specifying what we believe to be the current agreements and ask them to sign showing that they have read it. Trish and Basha did not complete a plan of how a new letter can be written or distributed. A summary by Mark of his work with Ned is about ready. No immediate Board action is anticipated until the proposed meeting on the 30th. (Note: Roger and Faye left to go home about at this point.)
3. Street resealing project update: Completed to our satisfaction. Can-hole filled properly after 3 tries at B. Hanner's request. Invoice paid.
4. Nancy found out that all of the water heaters on Spyglass were denied because the models were not eligible for the class action suit.
5. MSP that Ned will send a letter to all HO's recommending that they purchase loss assessment insurance to cover the amount of \$50,000.
6. There are rats in the walls at #38. Miramonte got rodent control to come out and inspect, they did something, and there has been no noise for the past week, but not finished yet.
7. Basha says they got an estimate of \$650 to paint house numbers on curbs and paint "reserved" on uncovered parking spaces. Board members thought this estimate too high. The HO at #20 could place notes in the windshield wipers of cars that park improperly.
8. Basha is waiting for an electrician to inspect the problem and make a recommendation regarding the light shades in the carport of #60.
9. Firestorm plaque has been ordered. Chris Mead has offered to install it.
10. Three letters have been received by the Board of the Club urging them to repair the pathway from Spyglass down to the parking lot. Ned attended a Club Board meeting and they said they thought this project would probably be included in their proposed budget that must subsequently be approved at their October 26 meeting.
11. A letter came from HO of #42 asking to have the outside alarm box painted. Miramonte sent a letter indicating that this was an HO responsibility.

NEW BUSINESS

1. Stucco building defect of Oct.2: This was a potentially life threatening event and W.L.Butler was contacted immediately. As of Oct. 11 24 homes have been inspected. The repairs are scheduled to begin on Oct. 18 and the remaining homes will be inspected on this date. B. Hanner has worked with Mike Newland and Lin Yates on a daily basis to get this issue addressed. Discussed recommendation from Miramonte to retain forensic architect and possibly legal advice in the case of inaction on the part of W.L. Butler. There appears to be inconsistencies among the different spokesmen for W.L.Butler regarding what will happen next and when it will happen. It is probable that the Board should hire a forensic architect to inspect current conditions and any repairs and ask W.L.Butler to pay for these services. Tricia wrote a letter to W.L.Butler concerning the interests of the Association and gave it to Basha to send.

LANDSCAPE REPORT

1. N Flanders moved, T Swift seconded, "The landscape person who represents the Board shall not have trees or bushes removed unless two conditions are present: (a) the homeowners who can see or live near the site have had two week notice of such intended action; and (b) there has been ample opportunity for discussion among those involved, except when an acknowledged emergency requires tree or bush removal." Passed by a vote of three to one.
2. N Flanders moved, T Swift seconded, "The Board should discuss ways to refurbish the area where the October 5th cutting took place, to place this on the highest possible priority, and find a way to finance an early start." Passed by a vote of three to one.
3. One Board member suggested that the Board should always be notified in advance when trees are going to be removed, but saw no reason to alter the first motion.
4. Review of 2001 improvements scheduled in the 1999 5-year landscape plan. Waiting for two proposals from L.C.C. to upgrade area between #60 and #48.
5. Meeting set up for Saturday, November 18 at 9 am with Mike Barton and Homeowners on lower hill #38 to #48 and #60 to discuss solutions for this area.
6. Homeowner at #42 approved proposal for improvements to entryway. Homeowner to pay 2/3 of cost.
7. Request from Fred Booker and Ann Mulligan to trim trees to maintain their views. Tabled until November 18th meeting.

MANAGEMENT REPORT

1. Document Storage Update: There was general agreement not to pursue electronic storage of the 8-10 boxes of records known to exist containing association records.

ADJOURNMENT

The meeting was adjourned at 10:05 PM. PASSED

NEXT MEETING

The board agreed to the following future meetings:

Budget & CC&Rs discussion: October 30, 6:30 PM, #7

Landscape Meeting with Mike Barton of Landscape Care, November 18, 9AM, Outside #48

Regular Board Meeting November 28, 2000, 7:30 PM, #1

Respectfully Submitted,

N. Flanders, Secretary

Date: Oct. 21. 2000

MINUTES

Board of Directors, H.H. Association 1 Monday, October 30, 2000

Board Members Present: Mark Hanner, Tricia Swift, Nancy Platford, and Ned Flanders at the home of Tricia, #7 Spyglass Hill.

Call to Order: Given the absence of Basha, Nancy, as vice-president called the meeting to order at 6:42 p.m.

1. **The Minutes of the Board meeting** held October 16, which were distributed to HOs on October 21, **were approved** except for some minor revisions. One Board member pointed out that the birch trees cut down on October 5th were diseased, but they were not dying. It was suggested that in future minutes the use of first names to identify Board members would be acceptable.

2. **The Budget for 2001.** Mark provided new separate budget projections covering the years 2,000 through 2,005. His tables reminded us that the monthly assessment was \$230 in '99 and was reduced to \$210 this year. At this time Mark estimates that at the end of this year our expenses will exceed our income by about \$7,710. If the monthly assessment remains at \$210 for the year 2,001 the deficit will increase to about \$15,852. The Board discussed the possible monthly assessments for next year for about an hour and a quarter. Complicating the discussion was the need to approve new By-laws and new CC&Rs in the next few months. The biggest change in the proposed, new CC&Rs will be a permanent adjustment of each HO's monthly assessment to equalize the cost of earthquake and fire insurance premiums. It was argued that HOs would have less difficulty in understanding these issues if the proposed monthly assessment was kept the same as this year even though a subsequent increase in the monthly assessment may be necessary before presenting it at the Annual Meeting. **M,S, and P to propose a monthly assessment of \$210 for next year.** The vote was three to one.

3. **By-Laws.** The Board discussed each of the items on a summary provided by Mark. In most instances the Board agreed on the need for a change. The following items contained issues that were not resolved. By-laws 5.1 and 5.2 concerning who can be on the Board for what length of term needs to be rewritten. By-laws 6.2a needs to be rewritten. In going over his notes, Ned now wishes there had been time to discuss 13.8. It is the task of the Board to come to an agreement on what changes will be forwarded to the Ann Rankin law firm which is responsible for the final proposed draft.

4. **CC&Rs.** There was not enough time to discuss the possible changes in the CC&Rs and Mark suggested that such a discussion must await a collation of the comments of Board members. Our next step with the CC&Rs might be accomplished by e-mail between Board members. At least items on which there is agreement could be identified which would give us more time to discuss items where there is disagreement.

5. **Next Steps.** Ned suggested that we need to outline the steps that would result in providing each HO with a chance to read the proposed new CC&Rs, to discuss them, to understand them, and finally to vote on them. The biggest anticipated change is the proposal from Fred Booker, Roger Barron, and Ned Flanders made June 10, 1999. These three were a Committee authorized by last year's Board to find a way to distribute the cost of fire and earthquake insurance among HOs in such a way that the size of each unit is taken into consideration. The current method of sharing these costs equally is unfair to HOs of smaller units since the cost of a smaller unit should be less than a larger unit. In the discussion of this general topic, there was tentative agreement that we could start to work on informing and educating the HOs on this proposed change in paying for insurance at once, before a final draft of the proposed CC&Rs is completed. To this end Ned has agreed to work with Basha to create such a plan, to distribute a proposed plan to members of the Board, and after the Board members have time to react, to proceed to contact HOs.

6. The meeting was adjourned at 9:12 p.m.

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6. The meeting was adjourned at 9:12 p.m.

HOME OWNERS' COPY PROPOSED MINUTES
(Not yet approved by the Board)
Board of Directors, H.H. Association 1
Tuesday, November 28, 2000

Board Members Present: Basha Hanner, Mark Hanner, Tricia Swift, Nancy Platford, and Ned Flanders at the home of Ned, #1 Spyglass Hill.

Call to Order: The meeting was called to order at 7:38 p.m.

1. The **Minutes of the Board meeting**, held October 30, were approved after a motion by Nancy, seconded by Tricia.

2. **Treasurer's Report** had no special news. It is too early for the November bank statement to arrive. Mark said he would contact Max, at Miramonte, regarding the mix-up over monthly dues sent in by Tricia. Ned suggested that sometime before the annual meeting the Board may wish to reconsider its decision which set the monthly dues at \$210 for next year because of deficit spending.

3. Unfinished Business.

A. Revising the By-Laws and CC&Rs. The following steps are necessary to complete the Board's suggested corrections to the proposed new By-Laws and CC&Rs. After some discussion the dates at which each step should be completed were identified.

1. On Dec. 10th the Board, less Nancy, will meet to discuss Mark's typewritten changes to the CC&Rs.

2. On or before Dec. 13th, typewritten copies of the proposed changes to the By-Laws and CC&Rs will be sent to the Office of Ann Rankin.

3. On or before Jan. 15 (or ASAP) Ann Rankin will send revised copies of By-Laws and CC&Rs to the Board for its consideration. The new draft will incorporate the proposed Board corrections. We hope that advice and consultation from Ann Rankin and Lin Yates can be provided at this stage. After all parties and the Board are in agreement, 34 copies will be prepared to distribute to the HOs.

4. By Jan. 15 Ned has agreed to prepare a "guide to the new By-Laws and CC&Rs" which will point out changes that are likely to be of most interest to the HOs because they differ from the old CC&Rs in substantial ways. This guide will be distributed to all 34 HOs before scheduling any "living room discussions."

5. Between Jan 15 and Jan 30 HOs will study the proposed new By-Laws and CC&Rs and make whatever comments they wish either in writing or at living room discussions. If necessary, final changes will be completed after consultation with Lin Yates and the Ann Rankin firm.

6. By Jan. 30 or ASAP HOs will be provided with a written ballot to vote for or against the proposed By-Laws and CC&Rs.

Our purpose in setting these due dates is to make sure that a final vote on the By-Laws and the CC&Rs will be completed before the Annual Meeting. Ned is responsible for drafting a letter that Basha can then send to Miramonte and Ann Rankin which outlines the proposed schedule.

B. Path from Spyglass to the Club. No new progress to report.

C. Fallen Stucco Soffit at #38. After remarkably persistent efforts by Basha, a letter/report from Keith Norman Construction, Inc. addressed to an attorney who represents Butler was made available. It states that a soffit, one by eight feet, at #38 fell due to insufficient nailing. It also states that "Without actual destructive testing we cannot know for sure if all the soffits are installed properly." It is clear that nearly all units, except six located at #1 through #11, have fairly large overhanging decks with stucco soffits attached to the under side of the deck floor beams.

The Board advised Basha to confer with Lin Yates at Miramonte who, in turn, will consult with Ann Rankin attorneys to ask if the liability exposure of the Board will be affected if it authorizes some minor repairs at this time. Meanwhile, further negotiations with Butler appears to be necessary.

4. Landscape Report.

The meeting of HOs on the downhill side near units #38 to #46 took place Nov. 18. Different options were discussed. Mike Barton submitted a work proposal to spread mulch next to #48 and #46 at a cost of \$1,275 and to remove and dispose of four birch trees at a cost of \$435. These trees will be marked with paint and approval nearby HOs sought prior to cutting. A planting proposal for the hill between #60 and #40 was reviewed also. A motion to have all of this work done was proposed by Nancy and seconded by Tricia. **The motion was passed.**

Additional work, eight items shown on the second page of Mike's fax, was given general approval without passing a motion. This work would be included at no extra charge in our maintenance contract.

An agreement was reached by Mr. Stefanini (#42), Mike Barton, and Basha regarding garden work requested by Mr. Stefanini. The total cost was \$423 was paid two-thirds by Mr. Stefanini and one-third by the Association. Basha will discuss the invoice with Mike Barton on Friday, Dec. 1st.

5. New Business.

Ned reported that all HOs have replied to the "Home Owners Kit" questionnaire which was concerned with adjusting monthly assessments according to the square feet of each unit. The preliminary intentions of each respondent do show that seven individuals would like to discuss this matter before they make up their minds. Discussions for this purpose can be arranged during December or even January and will be arranged by Ned.

Tricia requested a copy of the contract with Miramonte. Since the last year's Board entered into a contract to see how it would work out, the present Board must be prepared to evaluate the current arrangements. Basha agreed to make a list of the services Miramonte provides which, in some cases, may not be known by Board members. Ned agreed to supply copies of the Miramonte contract to Nancy and Tricia

The meeting was adjourned at 9:15 p.m.

The next meeting of the Board will be Thursday, Jan. 4, at 7 p.m. at #7 Spyglass Hill. Lin Yates will attend.

December 1, 2000

TO: Ann Rankin
Lin Yates, Miramonte

FROM: Basha Hanner, Phase I, Hiller Highlands

SUBJECT: Proposed schedule for revising the By-Laws and CC&Rs of Phase I.

Below is an excerpt from the first draft of the Minutes of our Board Meeting on Nov. 28, 2000. Please read this excerpt and send me any comments. If we meet our assignments can you react on this proposed schedule?

In particular, here are some questions for Ann Rankin. If we can perform our tasks by December 15, how quickly can you folks react to our proposed changes? Even though it is the Christmas season, what is a reasonable estimate of the time you will need. By the way, we can send you typewritten comments on the By-Laws right away. Would it help to send them now? Should we send them along ASAP or wait until we are finished with the CC&Rs?

Below is the excerpt from our Board minutes.

A. Revising the By-Laws and CC&Rs. The following steps are necessary to complete the Board's suggested corrections to the proposed new By-Laws and CC&Rs. After some discussion the dates at which each step should be completed were identified.

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4. By Jan. 15 Ned has agreed to prepare a "guide to the new By-Laws and CC&Rs" which will point out changes that are likely to be of most interest to the HOs because they differ from the old CC&Rs in substantial ways. This guide will be distributed to all 34 HOs before scheduling any "living room discussions."

5. Between Jan 15 and Jan 30 HOs will study the proposed new By-Laws and CC&Rs and make whatever comments they wish either in writing or at living room discussions. If necessary, final changes will be completed after consultation with Lin Yates and the Ann Rankin firm.

6. By Jan. 30 or ASAP HOs will be provided with a written ballot to vote for or against the proposed By-Laws and CC&Rs.

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End of excerpt from the Minutes.

Please let me know your reactions.

Basha Hanner

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