

MRAPPOA Special BOD  
Emergency Meeting

Date: November 23, 2013

Time: 9:00 AM

Location: Roger & Barbara Taillefer Hangar

**Directors Present:**

Jason Sheffield

Jim Manus

Roger Taillefer

Donna Koester

John Perry

Tim Wing

Bill Bentley

Role was called by Jim Manus and John Perry provided the invocation.

Minutes from previous meeting were read by Jim Manus.

**Purpose of meeting.**

Purpose of this emergency meeting is to continue dialogue seeking viable solutions concerning the Wilcox delinquent dues and assessments issues.

Jason started the meeting by opening the floor to concerned resident in attendance to speak. Bill Bentley spoke first by reading a letter from the concerned group of residents wrote to the board dated 11/12/2013. Next Bill provided a tree showing how the association law works by priority. He followed by reading 12 letters from MRAPPOA residents who were unable to attend today's meeting, but they wanted to voice their concerns and opinions. (Copies attached). Bill then initiated a motion to create a committee of two, Tim Wing and Joe Miller, to take control of the issue on behalf of the board and members of the community. Their responsibilities will be to research the regarding the assessments, present documentation for review of our attorney and work within the legal guidelines resulting in the best options for resolution for our community. This motion was seconded by Tim Wing and then tabled for board approval until the end of today's meeting.

Open discussion ensued with questions and comments as follows:

- Roger Taillefer questioned whether or not Joe Miller's MRCP board member status cast any conflict of interest. Bill Bentley responded there should be no conflict.
- Susan Drago questioned whether of not the MRCP issue will be affected by a resolution of the dues issue. Also she questioned whether the resolution can be addressed sooner than the annual meeting. Jason confirmed a meeting can be scheduled sooner than the annual meeting.
- Combined discussion of the dues timeline, statute of limitations, legal requirements, Wilcox ability to pay based on cash flow from recent sales. Why have they not paid anything at all?
- Question of whether or not the dues and water infrastructure should or should not be combined. If one is resolved, will the community loose leverage for resolving the second.

- General discussion of Option 1 from Concerned Group written proposal of November 12<sup>th</sup>.
- Discussion of possible legal actions by injured members based on decisions of board and need for vote by total membership on any final recommended solutions.
- Discussion of how to best include the Wilcox's in the loop relative to the draft proposals.
- Agreement on tweaks to Bill Bentley's motion resulting in Bill's revised motion as follows:

I MOVE AS RECOMMENDED BY OUR MEMBERSHIP THAT A COMMITTEE OF JOE MILLER AND TIM WING BE APPOINTED AND CHARGED WITH THESE RESPONSIBILITIES;

1. TO RESEARCH THE HISTORY REGARDING UNPAID ASSESSMENTS OWED BY THE WILCOX FAMILY AND ENTITIES IN WHICH THEY HAVE INTERESTS.

2. TO PRESENT THE TIMELINE AND RELEVANT DOCUMENTATION FROM THAT RESEARCH TO THE MRAPPOA ATTY. DOUG STANFORD AND WITH DOUG'S GUIDANCE TO DEVELOP LEGALLY ACCEPTABLE OPTIONS FOR THE RESOLUTION OF THE UNPAID ASSESSMENTS.

3. TO REPORT BACK TO THE BOARD WITH THEIR FINDINGS AND RECOMMENDATIONS.

4. THE BOARD WILL REVIEW THE OPTIONS AND DEFINE THE BEST COURSE OF ACTION BASED ON ALL THINGS CONSIDERED AND POSSIBLY REFINE THE PLAN.

5. TIM AND JOE WILL MEET WITH THE WILCOXS' AND RETURN FINDINGS TO BOARD.

**6. THE BOARD WILL PREPARE A FINAL DRAFT OF THE FINISHED PROPOSAL FOR DISCUSSION WITH ANY/ALL MEMBERS.**

**7. MEETING AND FINAL VOTE OF ALL MRA PROP. OWNERS.**

Tim Wing seconded the motion. The motion was approved unanimously.

Residual conversations followed concerning potential use of recreation lot with old cabin on it.

Motion made by Donna Koester to adjourn. Motion was seconded by Tim Wing.

Respectfully Submitted,

Jim Manus  
Secretary

Attachment #1:

List of letters from concerned association members unable to attend today's meeting:

MRAPPOA Board Members,

Shirley and I are vehemently opposed to the Board accepting a settlement with Wilcox Investments that involves conveyance of Developer (Wilcox Investments) residential lots in exchange for any or all indebtedness the Developer owes to the Association. Any residential lots conveyed to the airpark will create additional liability/expense that the Association cannot afford. The Developer should continue marketing the residential lots for sale and whenever those lots are sold the funds should be used to pay off any indebtedness to the Association. If the Association did accept any lots in exchange for indebtedness, it would be impossible to evaluate the market value with the uncertainty regarding current real estate sales prices. No one at the present time can predict the real estate market in exchange for indebtedness.

There are a couple parcels (I don't have map available indicating the parcel numbers) that are currently owned by the Developer and maintained by the Association. It is my opinion that these parcels do not have any real monetary value and should be conveyed without any cost to the Association. If the Developer is not agreeable to the conveyance, the Association should discontinue maintenance of these lots and request future maintenance be performed by the Developer.

If the situation between the Developer and the Association relative to the Developer unsold lots is not resolved in the very near future, court action should be instituted with dispatch to resolve the issues. This would be in the best interest of the Association and the Developer.

Dave and Shirley.

Mark and Vickie Bumar - MRAP Lot 45

From: Mark Bumar [mailto:invservices1@gmail.com] Sent: Wednesday, November 13, 2013 12:23 PM To: Mount Royal Members Group

Subject: Re: Proposed Settlement of Unpaid MRAPPOA Assessments

My wife Vickie & I will not be able to attend the upcoming meeting, however, we support the efforts of the Board to ensure wider consultation and seek a better settlement. Mark Bumar

Edward Connell - MRAP Lot 59

-----Original Message-----

From: CONNELL, EDWARD (GSFC-2500) (GSFC-2500) <edward.a.connell@nasa.gov>

To: bentleysigns <bentleysigns@cs.com> Sent: Fri, Nov 22, 2013 3:20 pm

Subject: Wilcox Issue

Bill – As requested, my thoughts and suggestions about the Wilcox debt to the MRAPOA.

- The chances of collecting back dues and penalties from the surviving family members are slim. Since the lots are owned by a corporation (Wilcox Investments) and not the individual family members, the family members are not liable for the debt incurred by the corporation. The corporation's only assets are the lots.

Spending a

lot of association money in a legal challenge to attempt to recover money from the family members is futile. Only the attorneys will make money on that arrangement. The MRAPOA will lose. This is why corporations are established in the first place to shield individuals from personal liability.

- The board should contact the family representatives (Julie Fetcko or whomever) and offer to take ownership of all the Mt. Royal property owned by Wilcox Investments as consideration for the outstanding debt. The association can then have a real estate broker, Julie or someone else acceptable to the board, sell the properties at fair market value with the proceeds going to the association. Also, it may be advisable for the association to hold on to some of the land parcels for community use if deemed to be in the best interest of the property owners.

- The above approach would not set a precedent of relieving current and future property owners of their financial obligations to the association, which I know is a concern. Since most of the privately held lots at Mt Royal Airpark are owned by individuals and not corporations the financial liability is much clearer. Wilcox Investments is not being granted relief from its debt, it is being offered a reasonable alternative at satisfying its financial obligations. In the future, if property owners became delinquent they could be pursued legally or offered an alternative arrangement deemed appropriate at the time to satisfy their obligations.

If I can be of any help please let me know.

Edward A. Connell, P.E., CSP

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Website: <http://code250.gsfc.nasa.gov/>

Alex Brostek - MRAP Lot 34

From: Alexander Brostek [mailto:brostek2@gmail.com]  
Sent: Thursday, November 21, 2013 7:58 PM  
To: Natalie Stamp  
Subject: Re: Information for Mount Royal meeting on November 23

I Alex Brostek would like this view presented to the board of MRAPPOA, I feel that we should slow down and not jeopardize the financial health of the association by leaving money on the table with a knee jerk reaction. The other point is if they (the Wilcox's) can get away with not paying dues then anyone else can.

What a way to run a business. Thanks Alex Brostek

John Gostomski - MRAP Lot 9; 1/3 of Lot 10

Bill,I'm just stating my two cents worth. I think the board should slow down and really give some thought to the long term consequences of any actions regarding the Wilcox's lots. Maybe even delay until the spring general meeting.

Best regards,John Sent from my iPad

Dan and June Hillman - MRAP Lots 64 and 95

-----Original Message-----

From: dj777ord <dj777ord@aol.com> To: bentleysigns <bentleysigns@cs.com> Cc: timwing <timwing@yahoo.com> Sent: Thu, Nov 21, 2013 10:55 pm Subject: MRAPPOA meeting

Greetings fellow owners. Concerning the meeting of the board on November 23rd we wish to make our thoughts made known by e-mail since we may not be able to attend in person.

First let me say that since purchasing 2 lots in Mt. Royal phase 3 that we have always met our financial obligations for dues, assessments, and taxes. We even paid \$2000.00 per lot for the runway to be paved. Also we contracted with McKinley Lawn Care to keep the lots mowed in keeping with the Association's requirements.

1. We believe all owners should be held to the same standard.
2. Accepting something other than money for payment or settlement of financial obligations would not be equitable.
3. Procedures already established to deal with non-paying owners should be followed, and without delay. We believe that delaying these procedures to "time the market" is not wise due to mounting indebtedness for taxes, dues, and assessments.

(However having said that, we believe in giving the delinquent owner much grace if they are earnestly working with the Association to pay the amount owed.) As for delaying, no one knows what the property's future value might be.

4. Care must be taken not to set an unusual example that others might want to follow.

5. We believe **all members should be given the opportunity to vote on this issue** (which, as we understand it, would be next April.)

Thank you to each board member for your efforts and for making Mt. Royal a terrific community.  
Sincerely, Dan and June Hillman, The Hillman Family Trust, lots 64 and 95.



Paul and Maureen Barreto - MRAP Lot 44

On Friday, November 22, 2013 8:10 AM, "mbarreto@aol.com" <mbarreto@aol.com> wrote:

Dear Mr. Wing,

It is the opinion of both my wife and myself, that the Wilcox's should be held accountable for their all inclusive debt to MRAPPOA.

As members who faithfully pay their assessed dues on time, we find it unfathomable that one of the founders of the community would try and forgo their obligations to the Association.

The possible negotiations of transferring some of the Wilcox owned lots to the Association for the said late fees, is something we feel is moving in the wrong direction.

In today's economy and real estate arena, one cannot truly give value to any property. As we all know the sales in the community have been lackluster of late.

Therefore, as members of MRAPPOA we feel that the Wilcox family/Estate should be held accountable for the entire sum due to the Association in cash.

Respectfully,

**Paul and Maureen Barreto**

Steve and Janet Simoneaux - MRAP Lot 2

-----Original Message-----

From: Simoneaux, Steve <ssonthenet@bellsouth.net>

To: bentleysigns <bentleysigns@cs.com>

Cc: Steve Simoneaux <ssonthenet@bellsouth.net>

Sent: Mon, Nov 18, 2013 7:19 pm

Subject: Wilcox Family Settlement Options and the November 16, 2013 Meeting

To: Mount Royal Members Group and the Mount Royal Airpark Property Owners' Association

We have reviewed the letter and documents emailed to us on Tuesday, November 12, 2013 regarding settlement options associated with certain property owned by the Wilcox Family.

The information provided was detailed, however the settlement agreement and proposed options are challenging to understand as an absent property owner.

Unfortunately, we will not be able to attend the meeting scheduled on Saturday, November 16th at 9:00 AM to consider and vote on the proposed options.

Therefore, we are providing this email response stating our position:

Our position stands that every member should pay their fair share of appropriate assessments. Additionally, no options should be accepted that would expose the association to future unnecessary tax liabilities.

Sincerely

Steven and Janet Simoneaux 140WilliamBartram Drive Lot #2 - Mount Royal Airpark

Joe Martin – Lots 15, 56, 3 MRAP Utility Lots, 2 lots in MRE

-----Original Message-----

From: joe martin <joe@conceptswest.us> To: bentleysigns <bentleysigns@cs.com> Sent: Thu, Nov 14, 2013 2:39 am

Subject: unpaid dues

Bill,

I find the idea of forgiving unpaid dues totally UN acceptable. Why would anyone even think that it would be the right thing to do ?

As the second largest property owner in MtRoyal is that going to apply to me as well? If not why ? I have paid for several lots that the development (family)has benefitted from. All paid for in cash....

Just recently I bought the old green barn for about 160 K cash.... where did the money go? Why did they not use the money to pay the back fees? I offered them 60 K to buy the lot they sold to Julie Fetchko for 25 k.....

hello anybody home ? explain that one.... No logic , or bad decisions? I own 8 lots in MtRoyal I have invested literally millions in the neighborhood. Even though there have been times that it was painful to pay some of the expenses of ownership I have always paid... If the board decides to grant any relief to The Wilcox I would expect the same proportional relief on my property . I should remind the board this is is their job to look out for the members of the group not the developers.

If they KNOWINGLY bias decisions against some members they can and will be held responsible for their actions. I hope that the board will consider the ramifications of making bad decisions when the information is presented to them in a manner that could have prevented the poor call on a basic issue. Just to put this in Perspective.... Can you imagine if I ask for the same deal that the board is proposing for the Wilcox? Every one would fall off their chair laughing at me.....

My regards, Joe martin

Alan and Candace Lay – Lot 46

-----Original Message-----

From: Alan Lay <ai4bq@hotmail.com>

To: Bill Bentley <bentleysigns@cs.com>; Tim Wing <timwing3@yahoo.com>; Jason Sheffield <jsheffield@theiveygroup.net>

Sent: Thu, Nov 21, 2013 10:29 pm

Subject: Thoughts and opinions of Alan Lay

Bill, Tim, and Jason,

I want to thank each of you for your valuable time this evening with me on the phone. I recognize that this situation is very difficult for everyone involved and I hope that a solution can be found that satisfies most, if not all.

The letter below may read to the Board at the November 23, 2013 meeting. It expresses my opinions that I have developed while discussing the situation with each of you. It is my intent that this letter help you and the Board find the best possible answer.

Sincerely,

Alan Lay

[ai4bq@hotmail.com](mailto:ai4bq@hotmail.com)

772 221-1151 (h)

----- November 21, 2013

My name is Alan Lay, and my wife Candace and I own lot 46 in Mount Royal Airpark. We purchased our lot in 2001. We always enjoy coming to visit the community, watching it grow (albeit slowly) and hope that building our next home on lot 46 is in our near future.

I have recently become aware of growing legal problems between the Estate of Dr. Paul Wilcox and several organizations at Mt. Royal. I want to thank the concerned group of MRAPPOA

(the Association) members who have taken the time to inform all lot owners, and pass on their concerns. Bill Bentley, Tim Wing and Jason Sheffield spent valuable time this evening on the phone trying to help me better grasp the situation.

I understand that these problems can be placed into several categories, to include:

The Wilcox Estate has failed to pay numerous legal obligations to include property taxes, Association dues, and contractually (legally?) required improvements to the infrastructure.

The Association has not determined a precise, legally defensible dollar amount of dues owed (Which lots for how long with or without interest).

The Wilcox Estate was intransigent until recently, possibly stalling and deliberately attempting to avoid a resolution.

The President of the Association appears to have a conflict of interest that is preventing a fair and timely solution to be found for all involved.

Time is of the essence in all matters involving failure to complete legal obligations. A simple acknowledgement and a legally enforceable plan towards compliance may be all that is needed in many situations. The time for this simple solution appears to have come and gone in the case here, unfortunately. I suggest that the minimum required in our situation should include:

Determine all legal obligations owed to MRAPPOA by the Wilcox Estate to maximum levels (include interest on unpaid amounts, due to lack of cooperation or a prior arrangement).  
This item should have a separate board resolution and vote.

Hire a collections lawyer to collect any and all obligations in a timely manner to the maximum extent permissible by law.

Appraised value of certain lots may be used to offset some of the obligations, if in the best interest of the Association. The lots under the approach ends of the runways make for a safer runway. "Recreation lots" require a united Board with a vision for future use, and should have a heavily discounted present value.

Jason Sheffield must recuse himself from all dealings between the Association and the Wilcox Estate to avoid any appearance of conflict of interest.

There is nothing personal in my comments. My main desire is that the best interests of the Association, of which I am but one member, must be protected. Fairness in these types of situations is best represented by the law and legal written obligations. It appears many have tried to solve this situation to no avail, so it now is time to involve the lawyers and the courts.

Alan Lay

Dominic Buccola - MRAP Lot 42

-----Original Message-----

From: Dominick Buccola <[dbuccolajr@msn.com](mailto:dbuccolajr@msn.com)>

To: Bill Bently <[bentleysigns@cs.com](mailto:bentleysigns@cs.com)>

Sent: Thu, Nov 21, 2013 9:24 pm

Subject: Dominick Buccola in Regards to Dues Forgiveness at Mount Royal Airpark

MRAPPOA Board,

My Name is Dominick Buccola, Owner in Good Standing of Lot #42 MRAP.

It has been brought to my attention that the Mount Royal Airpark Property Owners Board of Directors is hearing a motion to forgive or reduce the liability owed by single land owner. A single or minority group given forgiveness of any owed liabilities is not within the power of the Board, and I do not and will not approve of this action by the board.

There are association covenants in place to correct this issue, and they should be allowed to run their course. These are the codes and covenants I and all the land owners have agreed to and we should not be denied them.

Should this action be passed, I as a property owner being negatively effected by this decision, will seek council and determine best course of action to correct the unjust shift in liabilities from a minority group to myself and the other property owners.

Dominick Buccola MRAP Lot #42

[dbuccolajr@msn.com](mailto:dbuccolajr@msn.com)