

Fox Run Condominium Owners Association, Inc.
Board of Directors Meeting Minutes
September 15, 2007 @ 10:00 A.M.

Board Vice President Jesse Vasquez called the meeting to order at 10:12 A.M. The meeting location was Unit 1307, Fox Run Condominiums, College Station, Texas.

- **Quorum** certified with directors Martin Reza, Fred Klein, Tom Scullion, Steve Wallin, and Jesse Vasquez. None were absent. No one from Equity Real Estate, our management company, was able to attend the meeting today.
- **Acknowledgement of notice of meeting.** FRCOA Board of Directors Reza, Klein, Scullion, Wallin, and Vasquez verbally acknowledged receiving notice.
- **Minutes.** The August 18, 2007, Board meeting minutes were approved.
- **Reports** of officers:
To be covered under actions items. This is the first meeting of the new Fox Run Board, having been elected at the Annual Fox Run Owners Meeting held on September 1, 2007.
- **Meetings** – the next FRCOA Board meeting will be held on Saturday, October 20, 2007, at 10:00 AM at the offices of Equity Real Estate in College Station.
- **Action items-**
 - It was MSP, to elect Steve Wallin as President of the Fox Run COA Board.
 - It was MSP, to elect Jesse Vasquez as Vice President of the FRCOA Board.
 - It was MSP, to elect Martin Reza as Treasurer of the FRCOA Board.
 - It was MSP, to elect Tom Scullion as Secretary of the FRCOA Board.
 - It was MSP, to elect Fred Klein as Assistant Treasure of the FRCOA Board.
 - Building 5: Dr. George Richmond, owner of unit 501, and Aaron Mathews, owner of unit 502 attended the meeting. Tom Gessner of Gessner Engineering attended the meeting and reported that they are currently designing a drainage system for building 5, which should be completed within the next two weeks. The topographical study showed very little slope away from the building, thus allowing water to soak into the ground immediately around the foundation. Additionally, the proximity of the sidewalks around building 5 limit water from flowing away from the building. The purpose of the drainage system is to stabilize the building from any further movement. Gessner did not analyze the design of the foundation, but he did indicate that post-tension slabs can have problems in the College Station area. And certainly the record amount of rain we have had this year is not helping the situation (the heaving of the exterior sections of the foundation).
 - Building 5: Hubbard Kennedy, attorney at law, attended the meeting to discuss his work to date for the FRCOA, and his proposal to legally represent the FRCOA and each individual owner in an action against the developers of Fox Run. He advised the Board that he has experience in civil and business litigation, including real estate issues. He is asking for a retainer of \$25,000 to get started, and would request additional retainer monies after this initial payment is depleted. He proposes to contact each individual owner to see if they want to be represented by him, and to determine if they have any documentation regarding problems, if any, with their unit. A lengthy discussion was held regarding the pros and cons of legal action, including our concerns about if there are any approaching statute of limitations dates that could limit our legal remedies, and the involvement of all individual owners (particularly those in buildings that currently do not have any foundation issues). Mr. Kennedy also advised us that he hopes this can be resolved via arbitration or mediation instead of going to trial.
 - Kirby Tracy of Grassroots Landscaping attended the meeting so he could meet the new Board members. We discussed the problem of residents not scooping their poop, and

Kirby advised it may be worth a try to purchase and install “pooper-scooper” stations that include a garbage can and a dispenser with plastic bags. Fred will research the cost of these for our next Board meeting. We also asked Kirby to purchase and install some bigger trashcans for the pool area, as the current trashcans are frequently overflowing. Kirby advised the Board that the “cool surface” material that was installed on the pool decking is starting to peel back in a few places due to pool furniture movement, but at this point is not a big problem.

- Building 16: there have been some recent reports of possible foundation issues with this building. We agreed to request, for consideration at our next meeting, an estimate from Gessner Engineering for an evaluation of the building 16 foundation.
- 2008 Budget: for the benefit of the new Board members, we reviewed the proposed 2008 Fox Run Budget. We are proposing to increase the budgeted amount to Equity Real Estate so they can assist us with our long-term capital budgeting project, to assist us with any possible litigation in 2008, the development of a Fox Run website hosted by Equity, and to have them spend more time on property. Steve will be working out the details of this with Equity. By common consent, we agreed we need to incorporate these issues into our contract with Equity (and make sure the contract is very specific on all of their duties) so that we can evaluate their performance at the end of 2008. We also agreed to review the 2008 Budget at our next meeting in light of the foundation issues and possible litigation.
- We agreed the next Newsletter will go out sometime towards the end of November. Please send Steve any items you have for the Newsletter. Certainly the Newsletter needs to include information on the new Board, and the finalized 2008 Budget.
- Since the next Newsletter does not go out until November, we agreed we need to send a letter to all owners with the results of the election of officers and the vote on the bylaws change held at the Annual Fox Run Owners Meeting. Steve will compose a letter and send it out for Board review and approval prior to mailing.
- Now that we have a new Board, we need to revise our bank signature cards. Steve will ask Debby to have this ready for our next meeting.
- Steve walked the property yesterday and distributed a list of maintenance items and rules violations to the Board. The floodlights have still not been fixed, but the bee and wasp nests were removed yesterday as Steve was walking the property. Steve will forward this list to Debby at Equity so she can handle each item appropriately. Regarding our problem with BBQ’s, and the new policy voted on at our last meeting, Steve is also going to research the issue of warnings and fines under Texas condo law. The new Board agrees that Equity needs to keep copies of violation notices to owners, and that we should receive a report from Equity each month for our review.
- It was MSP, to pursue litigation against the developers of Fox Run for current and possible future foundation deficiencies and to use Hubbard Kennedy, subject to a successful negotiation of a contract by Steve, and to take \$25, 000 out of our reserve fund for this purpose.
- We received up-to-date financials from Equity.

Meeting adjourned by the chair at 2:00 P.M.

Steve Wallin, President