

Fox Run Condominium Owners Association, Inc.
Board of Directors Meeting Minutes
Nov 17 th, 2007 @ 10:00 A.M.

Board President Steve Wallin called the meeting to order at 10.02 a.m. The meeting location was at Equity Real Estate Office on Wellborn Road, College Station, , Texas.

- **Quorum** certified with directors Jesse Vasquez, Martin Reza, Fred Klein, Tom Scullion and Steve Wallin. Kaye from Equity Real Estate, our management company, attended the meeting, as did the following FR owners Jim and Llana Dobbie (1501), Lou Bertoli (1203), Susan Vasquez (1307)
- **Acknowledgement of notice of meeting.** FRCOA Board of Directors Vasquez, Reza, Klein, Scullion, and Wallin verbally acknowledged receiving notice of the meeting.
- **Minutes.** The October 20th, 2007, Board meeting minutes were approved.
- **Reports** of officers:
To be covered under actions items.
- **Meetings** – the next FRCOA Board meeting will be held on Saturday, December 15th, 2007, at 10:00 AM at the offices of Equity Real Estate in College Station.
- **Action items-**
 - **Action Item: “Pooper Stations”** Fred Klein stated that the three Belson pooper stations have been purchased. They were awaiting delivery. It was agreed to deliver the units to Equity Real Estate and the board agreed to ask Kirby Tracy of Grassroots Landscaping to install the stations
 - **Action Item: “Foundation Issues”:** President Wallin informed the board that Hubbard Kennedy, attorney at law, has decided not to represent FRCOA in the potential upcoming legal action against Hi-Lo Developers and Bill Hopper. He stated “conflict of interest” in his decision.
 - President Wallin has discussed legal representation by another local attorney Mr. Gaines West who is a partner in a local law firm, West, Webb, Allbritton and Gentry PC. Steve Wallin visited with Mr West and discussed several new options open to FRCOA. A motion was proposed for the Board to consider Gaines West as our legal attorney, this was approved unanimously.
 - At the end of the meeting Dr Jean Louis Briaud the Head of Geotechnical Engineering at Texas A&M University came and discussed foundation issues with the FRCOA. Dr Briaud had previously visited Fox Run earlier in the week and looked at the some of the cracking issues. At the meeting he provided the FRCOA with a handout explaining seasonal variations of climate causing shrinking and swelling of soils and the difference between the different types of slab design. He stated that foundation issues are very common in this area of Texas. The main points from the discussion are
 - Legal lawsuits are very expensive and take a long time to resolve. No guarantee of success.
 - Several of the expensive repair options are not effective such as drilled piers
 - The main source of the problem is getting water away from the buildings. Given the existing sprinkler systems and potentially in-operative French drains this needs to be investigated. Dr Briaud suggested one possible action could be removing existing soils, placing an impermeable fabric and then putting the soil back on top.
 - For an engineering evaluation to be made it will be critical to locate the slab design information (thickness) and the original soil drill logs

- It is possible to monitor if the buildings are now stable by attaching a crack gauge over some of the major cracks and monitoring the movement in each season. This is fairly inexpensive.
- The board then discussed getting a quote from Gessner Engineering to do further investigations at Fox Run. This would involve;
 - Reshooting levels inside the building 14, 15 and 5 to see if they are continuing to move. Gessner would be asked to compare new data against his existing profile information to see what has changed.
 - Provide a cost estimate for installing crack monitoring system
 - Provide a cost estimate for reviewing the French drains and recommendations on getting moisture away from the buildings.

Mr Scullion offered to discuss these actions with Mr Gessner and report back to the board at the next meeting.

- Action Item: “Satellite Dish in unit 1105”. For the time being the board decided to take no further action with regard to the dish. The will continue to review the situation. It appears that FCC rules overruling HOA rules and also the owner of 1105 made no modifications to the outside of the building.
- Action Item: “Bank Signature Cards” . It was proposed that the following would have signature approval for both the operating and reserve accounts; President Wallin, Vice President Vasquez, Secretary Scullion or Keith Clements from Equity Real Estate. As in the past only one signature would be required for the operating account but two signatures would be required for the reserve account. President Wallin and Vice president Vasquez and Secretary Scullion signed the paperwork to get approval for the bank signature cards.
- Action Item “2008 budget” Updated budget information was provided by Equity. This included an updated cash flow statement for Oct 2007. The major item was the transfer of \$66,000 to be placed in escrow to cover legal costs. With Mr Kennedy’s withdrawal the board will review this.
- The board also discussed the need to increase the current COA dues from \$160 to \$180. This increase was considered necessary to build funds to cover future legal action. The increase was approved by the FRCOA and this will be communicated to the owners in the next news letter.
- Action Item “Capital Improvements – Long Term budgeting Projects” Debby presented the latest copy of the spreadsheet to help with budgeting requirements for the long term capital improvements to the complex. The FRCOA will continue to review this to determine if we are allocating enough funds to our reserve account to pay to long term improvements.
- Action Item “Parking Lot re-stripping Projects” The board received a modified bid from Service Maintenance of Brazos Valley, this was accepted and this work will be completed during the Christmas break. There was also some discussion about the quality of the joint seal material in the complex. Tom Scullion said he will review this and make an estimate of how much repair is required, he will report back to the board next meeting.
- Action Item Legal Advice on Bylaws and Rules: Steve Wallin reported that he had met with Sally Longroy of Carrington and Coleman Law Firm in Dallas. He provided the FRCOA with a memorandum from Ms Longroy with answers to 10 questions he had posed. One major item needing immediate attention was the designation of a registered agent for Fox Run. The registered agent is the individual or business that receives process when the corporation is a party in litigation. The current agent is Jim Easterly. At this meeting all of the Board members gave written approval to amend the Article of

Incorporation to change the registered agent. The FRCOA decided to use Capital Services of Dallas who charges \$180 per year for this service.

- Other business.
- Recent Water main break. Substantial time was spent discussing the major water break which occurred outside of unit 11. The failure was found to be a plastic water main pipe. The major concern was that no one had a set of plans where the water cut-off was. With the assistance of Kirby Tracy the water was cut off but not before a major hole had formed, 4 feet deep about 10 ft long and 6 foot wide. The repairs were made by the City of College Station and we do not know at this time if we will be receiving a bill for this work.
- FRCOA and Equity do not have a detailed set of plans for how to respond to emergencies like this. We need to assemble plans for water cut-off, etc. The location of these plans is not known at this time. FRCOA will discuss this with Kirby Tracy as it was thought that he may have some of the plans. If that does not work we will discuss this with the City of College Station. Tom Scullion said he will make the initial discussion with Mr Tracy and report back to the FRCOA.
- Newsletter: It was agreed the next Newsletter will go out sometime towards the end of November. Certainly the Newsletter needs to include information on the new Board, explaining the need for increasing fees and the finalized 2008 Budget.

Meeting adjourned by the chair at 12:40 P.M.

Tom Scullion
Secretary