

Margaret Hoffman

From: <allison_chris@verizon.net>
To: "Margaret Hoffman" <mlh1140@adelphia.net>
Sent: Friday, November 10, 2006 7:23 PM
Subject: Re: Question

>From: Margaret Hoffman < >
>Date: 2006/11/11 Sat PM 01:33:51 CST
>To: chris allison < >
>Subject: Question

>Folks are asking about M&S being allowed to vote the lots in Section 10.
>Did it happen? I would then think they paid dues on them And how many lots
>were involved? I don't recall this coming before the board, so how was the
>decision made? Any info would be appreciated. Thanks. Margie

Margie .

Miller & Smith established Eligible Membership (assessments paid and current) as of the announced Record Date for ~100 lots in Section 10. Yes, they exercised their right to cast those votes at the election.

This did not come before the Board because it was and is not a Board issue. Based upon the 1984 Settlement Agreement and resulting Declaration, M&S is not required to pay assessments. They elected to pay them and establish Eligible Membership status.

I have reviewed comments referencing the Frederick County Land Records and a Lot Count on the web site. The only document that is relevant is the Eligible Membership list generated based upon the status of lots as of the Record Date.

The rules for the election and the Record Date were sent to ALL Members. All of these were compliant with the Association Governing Documents, the POA Act and the VA Nonstock Corporation Act. All Members were mailed this information along with the announcement, resumes and ballots for announced candidates.

The ironies of the complaints I have read are many. Not the least of which is that the same people so adamantly opposed the Amended and Restated Declaration (which if approved would not have allowed M&S to accelerate the payment of assessments) are the ones claiming "foul".

This election was surely one of the most documented in the history of the Association. The focus was on an honest and fair election.

Even so, failure to comply with the Bylaws when the nominations were made from the floor was responded to with additional time to comply with the requirements for floor nominations. Technically, those nominations were not valid - but were treated as valid once the signed letters of acceptance of the nomination were provided to the Secretary.

What I have read about the "concerns" is on par with the appeal to the VA Supreme Court in which the court was told by Ogunquit that the Membership lots pay utility availability fees. You know, of course, that Membership Lots do not pay utility availability fees.

11/12/2006

I have responded to your questions and in the process may have created additional questions. If so, please let me know. Chris

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