

RE: Opinions

**Subject:** RE: Opinions  
**From:** "Frank Adams" <fadams@cascadeaccess.com>  
**Date:** Tue, 5 Sep 2006 16:05:24 -0700  
**To:** "Barb Ellestad" <barb@bjellestad.com>

Scott - It is nice to be home but we did have a great trip. I don't feel that I am in a position to discuss these legal opinions with you. I am not an attorney nor do I know that LCB was provided with the same information that John Leach had when he rendered his opinion. I don't think that our discussion will make any difference until I receive some additional input from John Leach. I'm still uncertain what it is that you want out of this issue. You have never told me in our previous discussions.  
Patti

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

**From:** Barb Ellestad [<mailto:barb@bjellestad.com>]  
**Sent:** Tuesday, September 05, 2006 6:16 AM  
**To:** Frank Adams  
**Subject:** Opinions

Hi Patti, welcome home. Hope Alaska was good and that you missed most of the rain. We were wondering if you have come up with a time you would like to discuss the two opinions that we talked about at the last BOD meeting. Let me know.

Thanks Scott

ATCH #22

From: "Frank Adams" <fadams@cascadeaccess.com>  
To: "Leo Black"  
<leoblackjr@hotmail.com>, <bo1939@cascadeaccess.com>, <arlissw2@aol.com>, <absmrs@cascadeaccess.com>  
CC: <ptaylor@tamhoa.com>  
Subject: RE: Reserve Fund  
Date: Tue, 5 Sep 2006 16:32:48 -0700

Leo - Thanks for your thoughts.

Why was this e-mail sent to Norm rather than to Pat Taylor? Norm doesn't need to have a copy of this e-mail or document. But Pat most certainly does as our property manager. Norm works for her. I'm uncertain why a meeting regarding this issue is necessary at this point. None of the Board are attorneys nor do we think like they do. We pay for our legal advise such as every question we send to John's office. John already has a copy of the LCB opinion and when he finishes reviewing their opinion, I'm certain we will be notified. I don't know if LCB was supplied the same information that John had to render their decision. I am still uncertain what result it is that you want for this issue. Is this issue coming from you or a few homeowners. If it is for a group of homeowners, what is the final result that they want?

Patti

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**From:** Leo Black [mailto:leoblackjr@hotmail.com]  
**Sent:** Tuesday, September 05, 2006 2:48 PM  
**To:** fadams@cascadeaccess.com; bo1939@cascadeaccess.com; arlissw2@aol.com; absmrs@cascadeaccess.com; velmet@cascadeaccess.com  
**Subject:** Reserve Fund

I was given a copy of a letter dated August 14, 2006 from the Legislative Council Bureau sent to Senator Hardy. I have already given a copy of this letter to Bill and Ana and will furnish you with a copy if you do not have one already. This opinion is in stark contrast to the advice we have received from our John Leach. I am sending a copy to Pat Taylor requesting it be forwarded to him with instructions to explain the differences and evaluate any board liability.

The question all of us need to ask ourselves is: If I had all this information prior to my initial decision to spend reserve fund monies, would I have voted the way I did? If the answer is yes, the question is moot in the chips will fall where they may. If the answer is no or maybe not, then we need to analyze our options to solve this problem.

I have also sought a casual opinion from my attorney regarding any personal liability. I suggest you would be wise to do the same. Frankly, I would not like to defend our present position in court.

I suggest a special meeting of the Board be called as soon as practicable. Considering the statutory requirements of the Open Meetings Law, that should give us enough time together sufficient information to make a decision.

We have some very tough decisions to make. Everyone will not be happy with any solution we can come up with. This decision should be made sooner rather than later

Sincerely,  
Leo

ATCH #23

From: "Frank Adams" <fadams@cascadeaccess.com>  
To: "Anna Schaffer" <absmrs@cascadeaccess.com>, <arlissw2@aol.com>, "Bill O'Connell"  
<bo1939@cascadeaccess.com>, "Leoblackjr@Hotmail. Com" <leoblackjr@hotmail.com>  
Subject: landscaping issues  
Date: Tue, 5 Sep 2006 15:56:55 -0700

Good afternoon - I know this is short notice but I have spoken with Kelby Hughes and we are going to meet tomorrow afternoon (Wednesday) at 4 p.m. at my home. Hopefully you can join us.

Patti

ATCH #24

**Index of documentation regarding allegations about misspending reserve funds by the  
Sunset Greens HOA Board of Directors**

1. Sunset Greens HOA CC&Rs, paragraph 1.8.
2. Sunset Greens HOA CC&Rs, paragraph 3.17.
3. Sunset Greens Newsletter, July 2005.
4. Letter from Norman Vielmette to BOD, Aug 26, 2005
5. Minutes of SSG BOD meeting, November 16, 2005
6. General Ledger Trial Balance, Reserve Fund expenditures, Jan 1, 2005 – Dec 31, 2005.
7. Request for bid to provide landscape services to Sunset Greens HOA for 2006 written by Mr. Arlis Swartzendruber, Board of Directors.
8. Minutes of SSG BOD meeting, January 18, 2006.
9. Letter approved by BOD and sent to homeowners, January 2006.
10. Email, 8 Feb 2006.
11. Email, 20 March 2006.
12. Email exchange, March 2006.
13. Minutes of SSG BOD meeting, March 15, 2006.
14. Email, Mar 31, 2006.
15. Email, Mar 31, 2006.
16. Email exchange, May 2006.
17. Email, May 18, 2006.
18. Letter from Mr. Ellestad and Mr. Bruneau (homeowner) to Mrs. Adams, July 14, 2006.
19. Letter from Mrs. Taylor to Mr. Ellestad, July 21, 2006.
20. Opinion from Mr. Leach, Aug 3, 2006, regarding "Use of Reserve Funds for Replacement of Sod."

21. Opinion from the State of Nevada Legislative Counsel Bureau to Senator Warren Hardy, August 14, 2006.

22. Email exchange between Mrs. Adams and Mr. Ellestad, Sep 8, 2006.

23. Email exchange between Mrs. Adams and Mr. Black, Sep 5, 2006.

24. Email from Mrs. Adams to all BOD members, Sep 5, 2006.

