

Emerald Forest Homeowners' Association

Special Meeting of the Board of Directors

February 28, 2008

President Judy Matlock called the meeting to order at 5:22 PM.

Members Present: Judy Matlock, John Woods, Cynthia Boyer, Cynthia DuBois, Marv DuBois, and Peggy Mackey, Assoc. Mgr.

Member Absent: Suzan Reed

New Business:

- ❖ **The filing of an Amicus brief on behalf from EFHA to support the lawsuit filed by Judy Matlock**
 - Judy: materials have been sent to the board via email for your review.
 - Jose: motion to accept Stephen Steele's suggestion to hire another attorney to file an amicus curiae brief with the appeals court in Waco in the case of Matlock vs Cockrell.
 - Jim: seconded the motion
- ❖ **Discussion**
 - John: Asked if Judy could elaborate on the rationale of Mr. Steele that this is a high percentage move on our part. The facts of the case are clear. What is this going to get us?
 - Judy: His rationale is that this is a good lawsuit, but getting the homeowners association to support it gives credence. Judy has been working with the super homeowner's association and the more support we can give, the stronger our side. Steele said that, for example, if an insurance company has a lawsuit, they band together with information to support their side. Also, money has been appropriated for this issue. If we win, attorneys' fees will be awarded. Judy won the first suit, but now it is under appeal. The Cockrell's (owners of the "boarding house" wanted the judge to allow rentals until the appeal was settled. Judy filed a bond to keep that from happening. The girlfriend is still causing problems at the house and Judy is filing a contempt charge.
 - John: Stated that he doesn't think it will have an impact on the appellate court. We would be out \$3500 unless there is a favorable judgment or lien.
 - Cindy DuBois: At the homeowner's meeting in October, Judy was elected in a landslide based on this situation. It is clear that our homeowners have delivered a mandate for us to support her.
 - José: Right now, the lawsuit is between Judy and the neighbor. Our homeowners made it clear that we have an interest in this, too. It lets the court know that the board, representing 432 other homeowners, agrees with Matlock.
 - Judy: Without this amicus brief, the 10th Court of Appeals would not know that our HOA supports the lawsuit.
- ❖ **Judy: There is a motion in place, there has been a discussion, and I am calling for the vote. All voted in favor.**
- ❖ **Judy: Asked Peggy to write something from the board to Mr. Steele for our records. José volunteered that he and Cindy DuBois would adjourn with Peggy to the office and draft a letter to Mr. Steele.**

Motion to adjourn: Cynthia Boyer; John Woods seconding. All were in favor.

Respectfully submitted
Cindy DuBois