

Date: 10/12/2009

To: Versailles III Board of Directors and Architectural Review Committee

Subject: Board of Directors & Architectural Review Committee Decisions Regarding Haney Home Paint Color

The purpose of this letter is to outline a recent series of events and actions undertaken by the Board and Architectural Control Committee of the Versailles III Home Owner's Association and to express and submit for consideration our objections and to request a formal hearing and resolution of our concerns.

A meeting of the Versailles III Home Owner's Association was held on July 31, 2009 for only one purpose. The purpose was to determine if the home of Jim and Priscilla Haney was painted within the rules of the covenants of this Association.

Four members of the undersigned attended this meeting and witnessed notes being taken by a representative of L.E. Wilson and Associates.

Jim Kopernick, Board President, asked Gerry Cook, the Facilitator for the Architectural Review Committee, for his report. Gerry presented the paper trail and related discrepancies with regard to established architectural review procedures which lead to the Haney house being painted a color not on the list of acceptable colors for the HOA. It should be noted that the original application indicated that the house would be painted in the "original color" as specified on the approval form.

Following Gerry Cook's presentation, the Committee and Board members were asked for their comments or suggestions. The following summarizes the suggestions:

- Jim Delia, Architectural Committee member, suggested that a \$500.00 fine be imposed. The argument against this solution was that some people would no doubt be willing to pay a fine just to get anything they want. It was also stated that this solution would only work if in addition to a fine, the homeowner would still be required to correct the violation.
- Hank Missenheim, Architectural Committee member, suggested having the Haney's repaint the front of the house only. Because this would set another new precedent and likely objectionable to many people, this solution was eliminated.

The first Board member to speak was Dick Zak. Dick gave an emphatic speech stating that despite Jim Haney being a fellow board member and a friend there was no doubt there was a problem with the paint color that the Haney's would have to correct. Hank Missenheim also spoke emphatically that this sort of thing had to stop. He stated words to the effect that the Association had been too lax in the past and that it can't continue. Several participants commented that the Haney's had acted in defiance of existing procedures.

After further discussion, the Architectural Committee was asked to make a recommendation to the Board. The Committee members voted unanimously to require repainting of the house according to the required code in the covenant. It would also be required that a swatch of the correct color be painted and approved by the Architectural Committee before the repaint job was started. The recommendation went to the Board for a vote and both Dick Zak and Jim Kopernick voted to repaint.

It was resolved that a letter was to be sent by the Management Company, L. E. Wilson and Associates to the Haney's informing them of the decision.

This meeting was well run by Jim Kopernick the President of the Board. The discussion was controlled and all Committee members and Board members were given a fair chance to speak and voice opinions.

Nothing further was communicated formally by the Board or Architectural Committee until several weeks later when through informal communication; Dick Zak approached El Daub and informed him that "everything is settled with the Haney's paint job". It was mistakenly assumed that the situation was settled based on the outcome of the July 31st Board meeting.

Only later was it revealed by Gerry Cook that the original decision was reversed and it was determined that although the Haney house color was not the original color specified in the paperwork; "it was close enough" to a third color on the list of five colors approved for use in Versailles III. Jim Kopernick also informed Tom Brennan that the issue was resolved and that the re-painting would not be required. Joanne Brennan spoke with Gerry Cook and Hank Missenheim directly and was told the same; the original vote to repaint was overturned and the color was deemed "close enough". Joanne Brennan formally expressed her personal displeasure and objection to the reversed decision as precedent setting and in breach of established Architectural Committee rules which the Brennan's and four other home owners were required to follow.

It should be noted here for the record, that Joanne Brennan articulated her opinion independently to both members of the Architectural Committee without influence of any other committee member. A Board member, not present for these independent communications with committee members, chose to take these expressed opinions and attempt to use them against another committee member. It is disturbing that a Board member would embellish on the un-witnessed, stated opinions of a homeowner and use that embellishment to inaccurately depict the occurrence (both in and out of the Versailles III neighborhood) to further another agenda.

With regard to the issue at hand and the reversal of the original committee recommendation and vote of the Board requiring repainting there are basic questions that have not yet been satisfactorily answered. The current color of the Haney house is *not* the color of any other house in the HOA of Versailles III.

Our questions are the following:

- A. What does **close enough** mean?
- B. Why were clearly stated and previously applied rules overlooked in the case of one homeowner, a homeowner that is also a Board member whose role one would expect is to uphold the covenants and by-laws of the HOA?
- C. Should this precedent be permitted to stand, how will a "close enough" standard be applied in the future, not only for paint jobs but for any other projects in our neighborhood?

It is also the opinion of the undersigned that we have an untenable situation with regard to Board and Architectural Committee actions including but not limited to the following:

1. A questionable reversal of an official Board decision made on July 31st which was furthermore based on a deviation from approved, established HOA policy and procedure.
2. A Board Member who acted outside of and apparently with disregard for the covenants that he is sworn to uphold and whose home is now the center of the controversy.
3. Another Board member who has used HOA business to conduct a personal disagreement with a member of the Architectural Committee and to communicate inaccurate statements about that committee member related to this situation both in and outside of Versailles III. This behavior and the related communications have further inflamed the situation.
4. The initial application for approval and subsequent re-applications for reconsideration of the initial decision to require repainting did not follow the application process and procedure in accordance with stated policy & procedures of Versailles III – Architectural/Landscaping Modification Committee Policies & Procedures.

It is the opinion of the undersigned that the current Board and Architectural Review Committee have lost the ability to enforce the rules and covenants with any degree of authority or credibility.

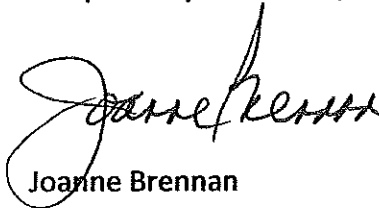
We formally appeal the decision reversal and request reinstatement of the initial Architectural Committee and Board ruling.

In the absence of a reinstatement we request that a special meeting of all home owners is held to:

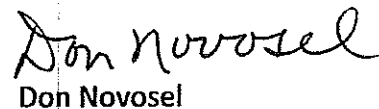
- Openly and fully review the decision(s) and processes undertaken by the Board and Architectural Committee regarding the Haney home.
- Openly and fully review, respond and document responses to the questions A., B. and C. and statements #1 through 4 above.

If necessary, as part of the review process, we will provide painted sample boards of all paint colors in question.

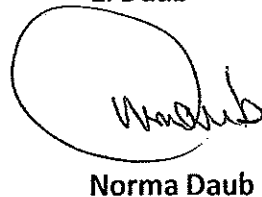
Respectfully Submitted,

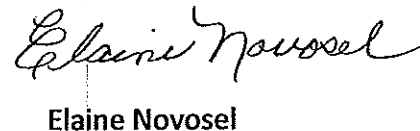

Joanne Brennan


El Daub


Don Novosel


Tom Brennan


Norma Daub


Elaine Novosel


Gerry Cook


Pauline Cook