

HERITAGE HUNT CONDOMINIUM I  
SPECIAL BOARD MEETING  
APRIL 23, 2008  
LOBBY, BUILDING A

I. Call to Order

President Edwin Plummer called the meeting to order at 5:39 PM

II. Attendance:

Present were Edwin Plummer, Kay Franklin, and Warren Miller. As all 3 Board Members were present, there was a quorum.

III. Resolution Regarding Mutual Release and Settlement Agreement with Developer

A. Background: During warranty negotiations in late March, Jeff Hanna of Lennar met with Warren Miller and Ed Plummer and stated that he had done all that he intended to in addressing our issues. Subsequently in a phone call, Mr. Plummer offered the idea of a mutual general release of claims, ranging from HHCI's right to sue under provisions of the Condominium Act to Lennar's possible interest in funds carried on our books as Prepaid Developer Assessments. Mr. Hanna was receptive to the idea. HHCI's lawyers prepared a formal agreement, advising that a specific resolution of the Board would be required to authorize the president to sign the agreement. Upon favorable response to the agreement by Lennar, the Board had the appropriate resolution drafted.

B. This Special Board Meeting was called to consider the resolution.

C. Upon motion of Mr. Miller with second by Mrs. Franklin, the Administrative Resolution No. 5, Attachment A herewith, was approved unanimously.

IV. The meeting was adjourned at 5:41 PM.

Minutes respectfully submitted by Edwin Plummer

## **ATTACHMENT A**

### **THE UNIT OWNERS ASSOCIATION OF HERITAGE HUNT CONDOMINIUM I**

#### **ADMINISTRATIVE RESOLUTION NO. 5**

##### **Resolution Authorizing Board President to Execute Mutual Release and Settlement Agreement on behalf of the Unit Owners Association**

**WHEREAS**, Article III, Section 2 of the Bylaws of the Unit Owners Association of Heritage Hunt Condominium I (“Bylaws”) provides that the Board of Directors (“Board”) of the Unit Owners Association of Heritage Hunt Condominium I (“Association”) shall have all of the powers and duties necessary for the administration of the affairs of the Unit Owners Association and may do all such acts and things as are not by the Virginia Condominium Act (“Act”) or the condominium instruments required to be exercised and done by the Association;

**WHEREAS**, Article III, Section 2(r) of the Bylaws empowers the Board to negotiate and adjust with any contractor, subcontractor or Declarant any warranty claims on any common element made by, or on behalf of, any unit owner or the Association;

**WHEREAS**, the Association may have claims against U.S. Home Corporation (“Declarant”) pursuant to Section 55-79.79 of the Act;

**WHEREAS**, on behalf of the unit owners, the Board entered into negotiations with the Declarant for remediation of, and compensation for, structural defects identified within the common elements of the Condominium;

**WHEREAS**, the Board has reached an agreement with the Declarant by which the Association will release the Declarant from all claims in exchange for the continued monitoring of a previously installed movement gage on a settlement crack in 13890 Chelmsford Drive, Gainesville, Virginia until October 2008 and for the release of any potential claims against the Association; and,

**WHEREAS**, the Board is desirous of settling all claims against the Declarant through the execution of a Mutual Release and Settlement Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board deems the Mutual Release and Settlement Agreement to be in the best interest of the Association and hereby approves the settlement terms contained therein.

**NOW, BE IT FURTHER RESOLVED**, that the President of the Association is hereby authorized by the Board to execute the Mutual Release and Settlement Agreement and any other document required in connection therewith.

**THE UNIT OWNERS ASSOCIATION OF  
HERITAGE HUNT CONDOMINIUM I**

Resolution Type: Administrative No. 5

Pertaining to: Mutual Release and Settlement Agreement with Developer

Duly adopted at a meeting of the Board of Directors held April 23, 2008.

Motion by: Warren Miller Seconded by: Kay Franklin

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>Edna J. Plummer</u> President	✓			
<u>Kay Franklin</u> Vice-President	✓			
<u>Warren Miller</u> Secretary/Treasurer	✓			

ATTEST:  
Edna J. Plummer 4/23/08  
Secretary (Acting) Date

FILE:

Book of Minutes - 2008  
Book of Resolutions:

	Book No.	Page No.
Policy	_____	_____
Administrative	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: immediately  
April 23, 2008

#6135