



800 Hickory Trail, Westminster, SC 29693

Fax 864-647-7669

Website: www.foxwoodhills.net

Phone 864-647-9510

Email: poaoffice@foxwoodhills.net

**Minutes for Board of Directors Meeting
February 5, 2022**

Members Present: Greg Lohman, Patrick Coates, Sonya Hale, Kelly Clark, Dan Delano

1. Calling of Meeting to Order – Greg Lohman, President at 9:55

2. Confirmation of Approved of Minutes, December 2021 – Sonya Hale, Secretary

Sonya stated that the minutes had been approved and posted on the website. She advised that an error was made with the minutes being sent out as it should have been the agenda as the minutes had already been posted on the website. A reminder was given that e-blast are reserved for POA business. It is not to be used for individual member announcements.

3. Treasurer's Report – Patrick Coates, Treasurer

- a. Approval of Financials for November 2021 were approved
Kelly Clark made motion to approved and Sonya Hale seconded. Motion carried unanimously
- b. Approval of Financials for December 2021 were approved.
Kelly Clark made motion to approve December financial and Sonya Hale seconded. Motion carried unanimously.
- c. Audit 2020 / 2021 continues to make progress. Patrick Coates advised we are very close to receipt of the audit
- d. Funding of 2021-2022 Reserves are as follows:
Roads 60% \$44,950
Cap X 20% \$14,983
Pool 5% \$3,746 we will combine Cap X and the Pool since we no longer have a pool loan
Operating reserves 15% \$11,238
Total \$74,917

Approximately \$115,000 is owed from reserves to operating

This means operating will go up by approximately \$40k after reserves are funded

4. Manager's Report – Keith Litcofsky, General Manager

Lounge/Restaurant

- The new name of the restaurant is Foxfire Bar & grill. Check our Facebook page.
- Everyone commented that they enjoyed the New Year's Eve party.
- Valentines party is Saturday February 12, 2022.
- Look for information about St. Patrick's Day events.
- A winter menu is getting great reviews.
- Kitchen hours are Thursday 5 pm to 8 pm. Friday & Saturday 5 pm to 9 pm.



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Maintenance Updates

- Chevy truck is down and in the shop for a new transmission. Parts are taking a while to get.
- Elevator motor has been replaced. Waiting on new hydraulics hoses. On backorder.
- Fence has been fixed at the main entrance.
- Winter storm knocked down 33 trees that need to be taken care of.
- Started winter cut back.
- Filled a couple of potholes with cold patch around the community.
- New exhaust fan put in for kitchen.

Office Updates

- Liens are still going out to members that are not in good standing.
- Processed 7 new members since last meeting in December.
- Violation notices have been sent out for properties that are not being in code with the bylaws.
- ACC has responded to over 19 phone calls and emails since the last meeting in September.
- The ACC usually goes through the community on Wednesdays in a white SUV. Mike also wears a Foxwood Hills shirts and cap.
- Please make sure you include your account number on the payment check or money orders.

Security

- We had 11 incidents reported in December.
- December traffic report- 21 failed stop sign or speeding violations.
- IF YOU SEE IT, REPORT IT!

5. Old Business

- a. Chapter 11 Update – Greg Shepard

The Main Bankruptcy Case

On December 29, 2021, the Court entered its Order approving the Association's Application for Final Decree. In doing so, the Court closed the main case. Accordingly, the Association is no longer in Chapter 11.

The Adversary Proceeding

On January 14, 2022, the POA filed a Joint Pretrial Statement with the Dodd Defendants, and three additional (non-joint) Pretrial Statements regarding the claims against Chris Pierce, Robin Jordan, Candace Jordan and Jamahl Shareef. Chris Pierce later filed his own Pretrial Statement because he refused to join in the document prepared by the POA. Because Robin Jordan, Candace Jordan and Jamahl Shareef elected not to participate in the Joint Pretrial Statement process, the POA will file a motion seeking to strike their responsive pleading and hold them in default. If the Court grants that motion, the only remaining parties in the adversary proceeding will be the Dodd Defendants and Chris Pierce.

On January 23, 2022, Chris Pierce filed a motion seeking to compel further discovery responses from the Association. The POA disagrees with all statements made by Mr. Pierce in his motion, and an initial response was filed to that effect on January 24, 2022. The deadline for a full response to Mr. Pierce's motion is February 28, 2022.

On January 26, 2022, the Court entered its Order granting the Association default judgment against thirteen lot owners who were not initially in the Association's records and found with the help of the board's research last year.



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Those owners are: (1) Tap Powell, (2) Angel Ortiz, (3) Santos Ortiz, (4) Lamont Henderson, (5) Mary Doddy, (6) John Doddy, (7) Ellen Van Fossen, (8) Caleb Robert Peters, (9) Jennifer Cox, (10) Donald S. Moore, (11) Addie Menchyk, (12) S. John Menchyk, Jr. and (13) Reshma M. Patel. Default judgment has now been entered against all parties in the case who have failed to file a response.

On January 28, 2022, the Court entered its Consent Orders approving the settlements with Luis Gonzalez and Antonio Lozado. An application asking the Court to approve settlement with Wilma Black was filed on January 18, 2022. The settlements with Antonio Lozado and Wilma Black provide for all relief sought by the Association against those individuals in the adversary proceeding. The settlement with Luis Gonzalez provides for all relief sought against him, with the exception that the Association agreed to waive back dues for one of his three lots.

Most importantly, the Court held its Pre-Trial Conference on January 25, 2022. Michael Dodd appeared on behalf of his clients, Nexsen Pruet appeared on behalf of the Association, and Mr. Pierce appeared telephonically (as he had obtained the Court's permission to do so). At the conference, Judge Burris expressed her thought that mediation might be beneficial to see if an agreement with some or all of the remaining defendants can be reached, but (a) she commented several times that she cannot, and would not attempt, to compel the parties to mediate, and (b) she recognizes that mediation is not always successful. She is allowing the parties **through March 28, 2022** to pursue mediation and would agree to extend this time if a mediation was in the works and just needed more time.

To give the parties time to explore mediation, the Court re-scheduled the Pre-Trial Conference for April 5, 2022. If mediation is not successful in settling the matters among all parties, Judge Burris indicated trial would be in late spring or early summer.

b. Communications and Marketing – Beth Patterson

E-Blasts

- Total Contacts: 926 was reported in Sept. Today's number is 932
- Open rate: ne from 40% to 46% since Sept.

Association Update

- In the September Board Meeting, we reported that the Update would be sent to members in January. Because the date for the board meeting changed, we elected to wait until after today's meeting.

Lobby Video

- Will be updated to include volunteer activities. We welcome any other suggestions.

Website

- Van West has volunteered to help with the updating our website in more timely manner. Meeting with him after today's meeting.



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Updated Signage for FH

- Old signs on our community have been replaced with new ones.
- Our realtor's sign for corner Little Choestoea and Blackjack is being worked on and Diamond T will come out and put it up for us.
- Our sign has been sent to Diamond T so they can be matched.

Front Entrance

- As reported earlier, the Fitness trail has been marked off – will begin laying out materials when we have a few good days.

2022-23 Communication and Marketing Plan

- The committee should begin working on the plan for the new fiscal year later this month/early March. Those interested in being a part of the committee should complete a Committee Interest Form and submit to the Office.
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- c. Nomination Committee Report - Kelley Rembert

Kelley advised that Meet the Candidates was conducted with candidates Patrick Coates and Greg Lohman in attendance. The other candidate, Kim Macaulay, did not attend.

6. New Business

- a. Budget
 - Patrick Coates made a motion to approve the 2022-2023 Budget as presented and Dan Delano seconded. Motion carried unanimously.
 - Patrick Coates made a motion to approve the 2022-2023 Assessments at \$623.00 per year. Dan Delano seconded. Motion carried unanimously.
- b. Patrick Coates made recommendation to update the ACC fees. It was decided to look at the Bylaws and current fee schedule. This subject will be moved to old business and discussed at a later Board Meeting.
- c. Patrick Coates made recommendation to pay off the tractor. Greg Lohman advised that if we had extra funds, he would like to see extra funds go to roads. Recommendation was tabled until the final numbers are reported.
- d. Patrick Coates presented new contract with collection agency. Old collection agency, Continental Collection, was purchased and a new contract was needed in the new company name, Monterey.
- e. Kelly Clark advised that she had been contacted about 28 lots offered to FWH by the FLC 28 Lots. Kelly Clark made a motion to purchase these lots for \$250.00. Patrick Coates seconded. Motion carried unanimously.

7. Meeting Adjourned