

West Oaks Condos HOA Emergency Board Meeting

March 19, 2011

The Board of Directors of West Oaks Condominium Owners' Association met in emergency session on Saturday, March 19, 2011, at the Timberhill Starbucks. President Brian B. Egan called the meeting to order at 2:05 p.m. Directors present included Brian B. Egan, Mary Fell, and Denise Wells. Dave Stubbs, Willamette Community Management, was also present.

The Board met in emergency session to consider whether or not to authorize an owner to file an insurance claim against the association's insurer. The Board approved a motion to deny the homeowner's request to file a water damage and/or mold claim. History indicates that the association insurance will not cover this damage (long-term water damage and/or mold conditions), and it is in the best interests of the association to not incur premium increases resulting from claims when the Board is confident that the claim will be denied by the insurer.

The Board also approved a motion requiring certification within 30 days from the homeowner that the damage has been repaired.

The Board also discussed establishing minimum standards for mold remediation. At this time, the Board charges the homeowner with the responsibility of obtaining appropriate repairs.

The Board asked whether insurance coverage for mold remediation exists, and if so, what the premiums might be.

The Board also considered what conditions/circumstances should exist for the association to consider allowing a homeowner to file a damage claim against the association insurance policy.

1. Timely reporting of damage (within 3 days of discovery).
2. Homeowner has filed a claim with his/her own insurance policy.
3. Damage is of a covered category.

Brian will draft a Resolution which documents the policies decided upon in this meeting.

The meeting was adjourned at 3:30 p.m.

Note: Shortly after this meeting, Willamette Community Management conducted a detailed examination of the Bylaws of the Association of Unit Owners of West Oaks Condos, looking for guidance on this issue. Section X, paragraph a (on page 32 of the Bylaws) revealed that the Association is required to maintain fire and hazard insurance for the common elements and all units and their fixtures. This insurance is primary, with any insurance provided by unit owners being secondary. As a result of this investigation, the above mentioned resolution and decisions have been set aside. A new policy is under discussion.