

NEWPORT YACHT BASIN ASSOC. BOARD MEETING

October 12, 2010 11AM

Members present: Paul Shook, Sid Ruben, Karl Lang, Jeff Hoyt, Jeannette Schulz and marina manager Tom Lisk

AGENDA

1. Appeal process

2. Sid Ruben

3. Foreclosures

4. Tom Lisk – water lift valve

Tom presented a new water lift valve for the board's approval. The cost is \$95.00 and will be passed on to the slip user/owner. It will be mandatory that each owner will install the valve. The valve will be very visible by Tom and he will be able to see if it is not shut off properly and also it will not freeze in the winter. There are 12 lifts in the marina. It was moved by Jeff that all owners be required to have the valve installed at their cost and seconded by Jeannette. The motion passed. Sid will send out a notice to the affected owners.

Tom left the meeting at this point.

Sid Ruben

Sid again mentioned that he felt that we needed a second legal opinion regarding the lawsuit and the possible appeal and clarification on the potential conflict of interest with Karl being on the board when the QCD was issued. The judge has not signed off on the judgement as of this date 10/12/2010.

Karl contacted Mary and she said there was no conflict of interest at the time the QDC was written. Had there been negative action on the part of the board, that would result in a conflict of interest. Mary Ann Vance was the attorney when the Quick Claim Deed was written. Karl mentioned that he had a long working relationship with John Radovitch and Doug Burbridge.

A letter from Gary Huff from August 2008 stating he will initiate a lawsuit to claim the deed in invalid was read to the board.

Easements 4, 5 and 6 not exclusive

Forty feet along B dock designated as parking

Negotiations were with Russ Keys not John Radovitch. Doug Burbridge was made aware that part of his building was on NYBA property.

Does change in ownership of easements 4, 5 and 6 prevent NYBA from parking and using area for egress and ingress as we had been doing in the past? Does NYBA have the same rights as before?

NYBA does need to get a legal opinion about easements

D1 and D2 298 square feet.

Questions brought before the board

1. Do we file an appeal

2. Do we get a second opinion

3. Do we use Chris and Mary, our current legal counsel, to file the appeal or use a new attorney

A motion was made that we solicit new counsel to review the judgement by Judge Canova and the appeal process. Motion passed

NYBA has a 30 day window to file an appeal once the judgement has been signed off and if necessary we would use Chris and Mary to file the appeal.

FINANCIAL REPORT

\$17,000.00 in checking account

\$56,000.00 in money market account

\$102,000.00 in CD comes due on November 18, 2010

EXPENDITURES

18-30 pilings to repair

\$800.00-900.00 each open pilings

\$10000.00-1100.00 each covered pilings

\$18,000-30,000 construction costs window for work November 15-December 30th 2010

Attorney approx. \$2000.00

\$12,000-15,000 per month marina expenses

Insurance due in February 2011 \$60,000.00

\$12,000.00 annual audit February or March 2011

INCOME

\$80,000.00 per quarter for membership dues next billing in November

OTHER BUSINESS

Foreclosure

Andy Leonard - David Tracey, attorney, will send a letter to Mr. Leonard demanding payment of back dues. If not paid, foreclosure proceedings will occur for back dues, legal costs and all fees.

D1 and D2 letter from David Tracey demanding payment of back dues in full

Fuel dock - letter stating that NYBA is filing lien against property

Karl will contact David Tracey to proceed with foreclosures.

Meeting adjourned at 1:50PM

Jeanette Schuch
Secretary