

**WILLOW CREEK TOWNHOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, FEBRUARY 8, 2023 – 11:00 A.M.  
VIA ZOOM**

Present via Zoom: Greg Carver  
Randy Sackett  
John Routa  
Rob Harper – Toad Property Management  
Joe Robinson – Toad Property Management  
Jacob With – Law of the Rockies  
Alisa Corey – Mountain West Insurance

Joe called the meeting to order at 11:02 a.m. and Joe confirmed there was a quorum.

Greg made a motion to approve the minutes of the August 17, 2022 meeting. John seconded the motion and it was unanimously approved.

Joe thanked Jacob and Alisa for joining the meeting. Joe and Rob provided a brief factual explanation of the water damage at Unit 2. In investigating the damage to Unit 2, it appears that the unit had not been fully restored and maintained following the 2016 damage to the unit. Concern was expressed regarding the use of space heaters in Unit 2 on a long-term basis because of threat of fire.

Alisa said Mountain West Insurance would reach out to Farmers Insurance for a Loss Run Report to find out the details of the 2016 claim. Alisa did not know whether the claim would be accepted.

Jacob said that, in addition to other breaches, based upon the facts identified it appeared that Allan had failed to maintain the inside of Units 2 and that was in violation of the Covenants. Jacob stated that the Association had no obligation based upon Allan's breaches to pay any deductible. The Association could file the initial claim and Allan would pay the deductible and could communicate with the insurance company, but not on behalf of the Association.

Alisa said the current insurance carrier would probably deny renewal due to the unfinished unit. Alisa explained that might push the Association into the excess market which would reduce coverage and significantly increase the premium. Greg said attempts in the past to amend the Covenants so owners would be responsible for obtaining insurance for individual units had failed to reach the 67% approval. Jacob said the solution would be to go through the Courts.

After discussion, it was agreed Toad would write to Allan explaining he would be responsible for the deductible on an insurance claim and suggesting an amendment to the Covenants to make individual owners responsible for their own unit insurance. If that

was not successful or did not get a response Jacob would be asked to write a letter to Allan. If that failed, a meeting would be scheduled to discuss the next steps.

Alisa stressed the need for an insurance claim to be filed as the carrier needed the right to inspect and/or order some remediation work to prevent further damage. Alisa asked Toad to provide some additional information so the process could start. Alisa agreed changing the Covenants to permit individual insurance coverage for each unit would be beneficial to all owners. Jacob stressed the need to make it clear to the insurance carrier that the Association was not responsible for the condition of the inside of the unit which had not been restored since the 2016 water damage.

Joe agreed to draft a letter in response to Allan's most recent letter and telephone call.

Randy suggested contacting the Crested Butte Fire Protection District to make sure Knox Box keys were current for all units.

Alisa and Jacob left the meeting.

At 12:02 p.m. Greg made a motion to adjourn the meeting. Randy seconded the motion and it was unanimously approved.

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Prepared by Rob Harper  
Toad Property Management, Manager  
of Willow Creek Townhomes Association