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MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

Daniel K. O'Connell & Valery A. O'Connell	)	
& on behalf of themselves as members of	)	
Glastonbury Landowners Association.	)	
	)	
Plaintiff(s),	)	
	)	Cause No. DV-11-114
v.	)	Hon. Judge Cybulski
	)	
Glastonbury Landowners Association, Inc.	)	
& current GLA Board of Directors	)	
	)	
Defendant(s)	)	

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PLAINTIFFS' RESPONSE IN OPPOSITION TO  
DEFENDANTS' SUMMARY JUDGMENT MOTION

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**I. INTRODUCTION**

Per M.R.Civ.P., Rule 56, the Plaintiffs,' as GLA Director & member(s) of the GLA Landowners Association, submit this "Response in Opposition to Defendants' Summary Judgment Motion." Plaintiffs request the Court issue an order to strike or denying summary judgment motion, or else issue an order granting Plaintiffs motion for a continuance so as to fairly, adequately hear testimony (by jury trial) on material facts in dispute as essential to opposing the motion. *Note: Discovery delays and recent health issues delayed this Reply.*

This is true for GLA Defendants disputed all eight complaint material facts within their written depositions, admissions & interrogatories; which Amended Complaint alleges facts that

entitle Plaintiffs to injunctive relief (as listed below as found on page 4 of Plaintiffs' amended complaint)). Defendants Summary motion misrepresented that there are no such disputed questions of fact, when it is obvious from their written depositions, admissions & interrogatories that there are some. Some or all eight complaint facts (pg. 4) are material, and GLA defendants obviously contested them in their admissions and interrogatories -- the movant said so when he or she denied them. The parties have never agreed on these eight complaint facts nor on the inferences to be drawn from these facts, and for the Defendants Summary motion to imply otherwise is sanctionable. GLAs' Summary Motion is instead about counsel testifying. Council is trying to make themselves a character witness in this case, because they use hearsay affidavits, either wholly incorrect, or are raising topics having no direct relation with these eight material facts in dispute; or for which there is no foundation.

As Mt. Supreme Court Order PG.4 remanding this complaint said for Plaintiffs' complaint and "injunctive relief," "O'Connells were asserting [Defendants] substantive and procedural violations of the GLA Covenants."<sup>1</sup>

## **II. BACKGROUND**

On or about June 9, 2011 (3 years ago), Plaintiffs filed this complaint which was dismissed then reversed & remanded by the Supreme Court in their October 2012 Order (Exhibit 1) that states, "we determine it was sufficient to survive a motion to dismiss. ... On remand, we instruct the District Court to order the O'Connells to amend their complaint to make a more

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<sup>1</sup> GLSA violations were first evidenced & witnessed (authenticated per M.R.Evid. 901) by Mr. O'Connell while he served as a GLA Board Director from Nov. 2009 until Aug. 2011 (authority for injunction claim; *Butler v. Germann* (1991)). Complaint claims of Director violations & breach of duty to its governing bylaws and articles of incorporation are supported by GLA governing documents or contracts (*Two Crow*, 149 Mont. at 23, 494 P.2d at 919.) (see 2011 complaint Exhibits I, K, L, M, N, O, P, and Q).

definite statement showing they are entitled to relief..." This District Court failed to order such definite statement. In February 2013, O'Connells filed amended complaint showing the pleader is entitled to relief to restrain or reverse GLA Defendants actions; also "for derivative proceedings" (per 35-2-1301 MCA) to resolve Director disputes (see Complaint Exhibit I, K, L, M, N, O, P, Q).

Defendant GLA's summary motion page two deny the facts that O'Connells were urged by other members to sue the GLA to stop at least 5 other members from "suing the GLA out of existence" as these members expressed it. Some 5 members are now part of a larger group of 20 called "Glastonbury Landowners For Positive Change (GLFPC)" formed to fix or else dismantle the GLA.

O'Connells want to help their community by limiting their association liability & repair such member dissension evident by "Exhibit 1C" showing this member group (GLFPC) website and letter, "Chris & Ia Williams (NG), Donna Lash-Anderson (NG), Regina Wunsch (SG), and Tim Brockett (SG)" (and more members listed on the website) want to "reorganize [split] the landowner association into a simpler, transparent, leaner, business-like organization.." Those members' claimed problems with the GLA also support O'Connells' complaints. GLA's Summary Judgement motion page 2 claimed only "two people in a community of hundreds," the O'Connells, are dissatisfied with the GLA. This member group (GLFPC) by these dozens of GLA members complaining about the GLA factually refutes this GLA's Summary Judgement motion page 2. Also "Exhibit 1B" evidence shows after witnessing "20 months ...of wrongdoings" by other Directors breach of fiduciary duties (per §27-2-202, MCA & Articles

VIII.), misappropriation of funds, denial of member documents (per §35-2-906 (907) & (911) MCA), and much more, he became a whistleblower to limit his association liability.

Plaintiffs' hereby refute GLA Defendants summary judgment motion pleadings that ask this court to dismiss all eight claims for relief; which genuine issues of material facts in dispute are all evidenced and supported by numerous attached exhibits & affidavits.

### **III. MATERIAL FACTS IN DISPUTE**

Defendants' summary judgment motion fails for each and every one of the eight material claims (pg. 4 cited below as numbered 1-8), as there is at least one disputed fact having competent admissible evidence (attached hereto) that precludes Summary Judgement, and cannot defeat the conclusion that genuine triable issues of facts and law so raised support declaratory and/or injunctive relief sought by Plaintiffs, as follows:

#### **Plaintiffs Evidentiary Objections to GLA Summary Judgment Motion**

Documents attached hereto and GLA Defendants document s and testimony within their answers to admissions/ interrogatories, or written depositions supports all facts in dispute and conflicts with Defendants Summary Judgment Motion as follows:

**Eight disputed material facts (as listed on page 4 of the amended complaint), and DENIED within GLAs' admissions and interrogatories:**

#### **1) GLA violation of a settlement agreement with members (attached from case 193);**

This complaint fact #1 denied by GLA admission answer #3-4, #25-30, #34, #46-47; admitted by admission answer #2, and #24, and admission #4 that said GLA admit they waited almost a year to provide such documents, but some documents they still deny to members like GLA check receipts and expenditures, and interrogatory page 7 by GLA claim that said "Plaintiffs refused to follow the Montana Non-Profit Corporation....made defective requests ..." denied by O'Connell affidavits, evidence attached hereto, and the Settlement agreement terms.

#### **Plaintiff Affirmative Defense(s) #1:**

“Exhibit 5” (attached) shows Defendants withheld membership documents requested under the 2012 “Settlement Agreement:”

Evidence in violation of this settlement agreement is shown by the May 20, 2014 email letter (“Exhibit 5”) from GLA council stating the GLA will not provide any requested documents such “as membership list” “until a date has been set for another member meeting.” Exhibit 5 emails show O’Connells numerous requests for documents (starting Dec. 2012, May & June 2012—Exhibit 5) even for a membership list were denied.

Only after a member meeting was scheduled, were O’Connell members allowed some (not all) requested documents. However, the last GLA/Brown Law Firm July 22, 2014 letter (Exhibit 5) states any more document “requests need to be made through discovery...” This email denying all documents except “through discovery” is again a violation of the 2012 settlement agreement (Exhibit4) that states the GLA will 2.“provide “OConnells with all documents they are entitled pursuant to Montana Non-Profit Corporation Act... .” Requested documents denied to O’Connells are cited in the July 29, 2014 email (Exhibit 5), in part:

“...member records are not “confidential” [as “Exhibit 6” claims] and must be made available, because state laws allow corporate members [O’Connells] to have these specific membership records. These state laws include, §35-2-114(3)MCA, §35-2-907MCA, & §35-2-906MCA that require the GLA to let its members inspect/copy records [listed as 1-4 in this email] such as “addresses” “accounting records” “financial statements” “membership list” “minutes of all meetings” & “resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members.”

GLA’s denial of these documents is explained by “Exhibit 6” GLA’s July 16, 2014 letter to all GLA members proposing these same requested member records (denied to O’Connells) remain “confidential” in direct violation of state laws §35-2-114(3)MCA, §35-2-907MCA, & §35-2-906MCA. Exhibit 5 and Exhibit 6 are evidence of material facts supporting claim # 1 for GLA denial of documents & breach of the settlement agreement since 2012.

Exhibit 5 shows GLA Defendants had actual knowledge of O'Connells document request emailed on such dates to GLA Board then either denied or delayed O'Connells having such documents for up to nine months contrary to ¶35-2-907 that only allows up to "5 business days before the date on which the member wishes to inspect and copy;" & contrary to GLA Bylaw VIII(l) that allows "the financial reports and Membership records of the Association shall be available at the principal office of the Association for inspection at reasonable times by any Member;" & contrary to the 2012 "Settlement Agreement" that says, "GLA ... will provide a current GLA membership list to the O'Connells upon request twice a years" & "The GLA will provide O'Connells with all documents to which they are entitled pursuant to the Montana Non-Profit Corporation Act (SUCH AS §35-2-906 & 907) and GLA Bylaws upon request."

**Notice this settlement agreement document says it only requires members to make such request, and does NOT say that such request also be according to state laws (SUCH AS §35-2-906 & 907); which both parties dispute was done right.**

(note: "Exhibit I" shows no threats were for asking "the court to intervene" to get documents which is not a threat, This exhibit shows GLA's July 22, 2014 letter denied members "any more document requests except through discovery," and shows all document requests over a few months were made for proper purpose in good faith as member requests. GLA used a church for member document inspection; for which the church kicked out the GLA after making only half requested documents available to members.

O'Connell document inspection was thus incomplete and tediously slow for GLA documents stapled & stored in 12 cardboard boxes. "Attached exhibit 5 also shows GLA's July 22, 2014 letter denied members "any more document requests except through discovery." in violation of state laws §36-2-906, 907, 911, MCA. "Exhibit 5" showing GLA wanting to curb member document requests made as members (NOT as Plaintiffs) is also without due process and made without first filing a complaint claim.

**2) GLA deny member due process/notice (required per Bylaw XI.C., pg.15 Exhibit C.);**

**This complaint fact #2 denied by GLA admission answer #5, #44-44,; this complaint fact admitted by GLA admission answer #45;**

**Plaintiff Affirmative Defense(s) #2:**

As admitted by GLA admission answer #45, Defendants written deposition July 213 claims "due process notices were given to GLA members....in the last three years ... by means of the GLA newsletter" yet such notices went out AFTER exacting rules and policies against members.

As evidence, "Exhibit 13" shows a Dec. 2011 letter from GLA's council (Landers) stating:

GLA adopted a “conduct policy for their meetings which among other things prohibits recording of Board meetings by anyone other than the [GLA] minute taker... [O’Connells were] asked to leave the December 12, 2011 Board meeting after you refused to stop recording... ” **after this rule was proposed and adopted.**

“Exhibit 13” Conduct Policy (bottom of the page) shows this policy was finalized adopted and enforced against O’Connells at the December 12, 2011 Board meeting. This Exhibit 13 evidence shows GLA thus could not have given due process to any members before adopting and enforcing against O’Connell members all on the same day. In fact this policy was adopted and enforced against all members recording or videotaping that same day as contrary to §45-8-213 MCA. See also 193 Bolin and Allen affidavits that admit this submission, adoption, and enforcement of the “Conduct Policy” the same day.

GLA denial of member due process is also evident by “Exhibit 15” as a GLA Newsletter mailed to members January 2014 AFTER this policy was adopted effecting all members. This newsletter “Policy for Length of Board Service” states, “At the December board meeting, the board determined ... it will not be until the first board meeting after the annual elections that out-going directors will relinquish their duties.”

This GLA newsletter Jan. 2014 shows GLA enforced this new rule or regulation “Policy for Length of Board Service” BEFORE due process or notice was given to the members in January 2014 newsletter. Evidence within “Exhibit 15” also shows a “Meeting Agenda for Dec. 2012” as the first time the “Length of Board Service” was announced. That meeting agenda given to only a handful of members two days before the meeting is not proper notice to all members effected 2 days before such “Policy for Length of Board Service” was adopted and enforced at the GLA Board at the meeting Dec. 2013. Thus “Exhibit 15” Jan. 2014 newsletter

shows members were NOT given notice and due process "PRIOR" to enforcing such rules or regulations (as required per Bylaw XI(C)).

GLA enforcement of this policy giving Directors up to 30 days extra term in office on the board "after November elections" is ALSO without member due process AND contrary to Bylaw VI(D) and state law §35-2-417 MCA, that state:

**35-2-417. Election, designation and appointment of directors.** (1) If the corporation has members, all the directors except the initial directors must be elected ... at each annual meeting..."

GLA Bylaw VI. (D) Election and Term of Office...The members of the Board shall hold office until their respective successors have been elected by the Members ..." at each GLA annual election held November of each year.

As this Bylaw and law above shows, GLA Directors can not hold their office past the time that their successors have been elected **at the November meeting, but this GLA "Policy for Length of Board Service"** shows that is what happened. This policy deny duly elected directors from holding office up to 30 days after election was done in violation of state authority and without member due process and notice: as factual evidence in dispute (for Exhibit 13 & 15) supporting this complaint claim #2 to enjoin Defendants denial of due process & notice (per Bylaw XI(C)).

GLA Bylaw XI(C) requires, "Prior to making any new Rules or Regulations, or taking any action to enforce any of the Covenants, Bylaws, Rules or Regulations, the Association, acting through the Board of Directors and officers, shall provide reasonable written notice in accordance with Article V, paragraph D, to all of the Members (in the case of rule-making) or to all directly- affected Members (in the case of a proposed enforcement action) and a reasonable opportunity for any such Member to be heard and to give written or oral comment to the Board of Directors or its designee(s). Enforcement actions shall also include a reasonable fact-finding process whereby relevant information related to all sides of the issue will be gathered and evaluated..."



The GLA failed to provide any documentation that they gave members due process notice or opportunity to be heard nor fact finding process.

**3) GLA deny members receipts and expenditure statements as required per Bylaw VIII.F & H;**

**This complaint fact #3 denied by GLA admission answer #6, #39;**

**Plaintiff Affirmative Defense(s) #3:**

**Factually supported by attached "Exhibit 7" of GLA "Receipts and Expenditures" (from GLA admissions) disputed as being copies of actual receipts and expenditures, because so called "Receipts and Expenditures" documents are almost identical to GLA documents "Budget ...Report" & "Profit and Loss" documents thus showing GLA failed to provide copies to members of actual "Receipts and Expenditures"**

"Accounting records of members" are required per §35-2-907(2) MCA and GLA Bylaw VI(I) requires GLA to provide members financial records and "Receipts and Expenditures." (Note: GLA refused to hire a CPA to maintain such accounting records until AFTER this lawsuit was filed. Before this, Charlene Murphy (Pegasus Inc.), NOT a CPA, handled all GLA accounting/budget records.)

Defendants written deposition July 2013 page 4 says, "GLA denies that it gave members a copy of GLA receipts and expenditures for the fiscal year 2010."

GLA October 2012 meeting minutes "Exhibit 12" and Bolen/Allen deposition cited below show GLA failed to give its members "Receipts & Expenditures" in 2011 and waited until October 2012 to do so after O'Connells complaint for this claim was filed.

GLA since 2012 claim their budget reports and so called "Receipts and Expenditures" is all members may view/copy. Yet GLA "Receipts and Expenditures" are nothing more than budget reports.

This is evident from Defendants October 2013 written deposition Response 1-4 pg. 6 that says, "the Receipts & Expenditures report for 2011 ...was mailed to members approximately October 10, 2012 ...[&] 2012 .. was mailed to members approximately January 18, 2013.... [as] a general report that does not contain check details, deposit checks, cancelled checks, credit card and bank statements."

However side by side comparison shows GLA "Receipts and Expenditure Reports" are merely a summary of the GLA Budget Report. Without actual receipts and expenditures as contained in GLA check details, deposit checks, cancelled checks, credit card and bank statements, this allows GLA to hide theft of member funds and does not allow members to prove theft and misappropriation of member funds.

Without “Exhibit 11” check details and cancelled checks, members could never prove that four GLA Directors were paying themselves for board duties, nor prove the GLA failed to collect member assessments especially for the expired liens. Therefore GLA Receipts and Expenditures do not but should contain actual accounting records as the only “checks and balance” members have to make sure the GLA Board is not defrauding them and raiding the bank account.

For this claim, above Defendant deposition and affidavit factually shows the GLA failed to provide its members with “Receipts and Expenditures”, and starting 2012 fudged so called “receipts and Expenditures,” that deny any actual “receipts” nor “expenditures” thus the GLA refused to provide all GLA “accounting records” as required per §35-2-907(2) MCA. including Bylaw VI(I).

Again requested documents denied to O’Connells are cited in the July 29, 2014 email (Exhibit 5): “... such as “addresses” “accounting records” “financial statements” “membership list” “minutes of all meetings” & “resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members.”

§35-2-907. (2) a member is entitled to inspect and copy,.. (b) accounting records of the corporation.”

§35-2-911. Financial statements for members. “Upon the written request of any member of the corporation, the corporation shall deliver to the member its most recent financial statements showing in reasonable detail its assets and liabilities and the results of the operations.”

Contrary to these state law above, claim #3 states the GLA Board refused to comply with this requirement providing members with “accounting records” or “financial statements showing in reasonable detail its assets and liabilities and the results of the operations”; which accounting records would necessarily include (copies of receipts and expenditures) of canceled checks,

check details & bank statements (as proof of GLA payments & deposits, with balances)

otherwise called "receipts and expenditures." \*

\*Note: As O'Connell affidavits states, GLA refuse to let O'Connell members or any others inspect and copy its receipts, expenditures and other financial records. The GLA yet refuses to require Fidelity Bonds (Bylaw VIII.J.), if anyone lost, misplaced or steals GLA funds the funds are not insured. Therefore it is important for GLA members to be able to view/copy all GLA actual copies of receipts and expenditures as these financial records are the only way to ensure member funds collected \$140,000 plus are not stolen or frauded.

**4) GLA misappropriation of GLA assessment funds (fiduciary/fraud) & liability (per Art. VIII. & Covenant 8.01(h) for overspending on High South Roads as non-aggregate spending and more;**

**This complaint fact #4 denied by GLA admission answer #7-#11, #41-42: note: Defendants Judgement motion regarding non- aggregate spending motion claim #8 is immaterial. Defendants motion gives only opinion of what the complaint said and do not quote this complaint claim itself.**

**Plaintiff Affirmative Defense(s) #4:**

**admitted by admission answer #43 and "Exhibit 6" called "GLA Road Policy" as follows:**

Enacted before 2008-2009 after Daniel became a Director, this "Exhibit 6" "GLA Road Policy" is currently found on the GLA website ([www.glamontana.org](http://www.glamontana.org)) as of this filing. Pursuant to this current Road Policy, GLA designates all its roads as either "Primary Roads," "Secondary Roads," "Third Tier or Tertiary Roads," "Fourth Tier Roads," and/or "Fifth Tier Roads." This "GLA Road Policy" enacted without member notice or due process, yet states that the First Tier "paved roads serve the greatest number of landowners and require a greater share of the assessments that are allocated towards roads. It is the Associations duty to serve the greatest number of landowners."

This "GLA Road Policy" also designates Hercules Road and other High South roads as "Fourth Tier" and/or "Fifth Tier Roads" "access may be limited by weather, snow..." and "removal of snow may be limited by ...financial constraints" and "these roads are often inaccessible during the wintertime" and for these High South Roads "landowners ...who desire greater levels of snow removal services or gravel/grading/paving may join landowners to form local improvement districts" to pay for them.

Of course aggregate amount is the collective whole. However this GLA Road Policy Covenant says this aggregate spending is "LIMITED BY AND CONDITIONED UPON" "individual" payment" AND "collective" payment. Covenant 11.05 says "The Association shall account for

funds paid by Landowners ... in any manner consistent with its responsibilities and good business practice.”

GLA Covenant 8.01(h.) in part states, “h. The Association’s road maintenance responsibility is limited by and conditioned upon the Landowners’ individual and collective payment of and the aggregate amount of the “annual community assessment” as provided in Section 11.”

This Claim #5 contends the GLA is liable for breach of duty (per Articles VIII.) for violating GLA Covenant contract 8.01(h) for excessively high spending on High South Roads over a period of many years (not limited nor conditioned upon High South assessments or the aggregate) and for GLA Directors admissions below that GLA Board used member assessments from North “to take care of the roads in South” as exactly what Director Daniel said Covenant 8.01(h) seeks to prevent, and exceeded the entire road budget unbeknownst to members before & after this 2011:

“Exhibit 8” August 8, 2011 Board meeting minutes show Plaintiff-Directer Daniel O’Connell, raised this issue stating, “the Road & Weed Committee acted wrongfully by allowing the snow plowing ... [expenses] to continue in High South.” The complaint Exhibit CD audio transcript of this Aug. 8, 2011 Board meeting shows Daniel said that “our covenants require the Board to spend aggregately instead of spending [all our road] budget in High South...and the road committee acted on its own to approve funds.” Alyssa answered, “but that is why we are trying to do a special assessment to get reimbursed for these expenses.” Board Director Rich Spalone who got paid to snowplow High South roads admitted to the road committee by saying “overspending in High South happened through the whole winter,” not just one time.

Evidence in Amended complaint pg. 10 citing Board meeting May 9, 2011 audio recording: ¶41 TRO Affidavit, Dist.Ct.Dkt. No. 33 also proves: At this meeting, GLA Director Boise admitted “there has been a disparity for years.” “Exhibit R, May 9, 2011,” 01:20:33 hours, ¶41 TRO Affidavit, Dist.Ct.Dkt. No. 33; Boise also said “if we open this up and the owners knew how much of an inequity its been for many years, the would be really up in arms. They would be upset with the Board. “Exhibit R, May 9, 2011,” 01:37:40 hours, ¶41 TRO Affidavit, Dist.Ct.Dkt. No. 33. In response, Director Allen stated “So what you are saying is that we haven’t been following the covenants since day one” “Exhibit R, May 9, 2011,” 01:38:08 hours, ¶41 TRO Affidavit, Dist.Ct.Dkt. No. 33. Allen then admitted “...we need the revenues in North Glastonbury to take care of the roads in South” “Exhibit R, May 9, 2011” 01:37:52 hours, ¶41 TRO Affidavit, Dist.Ct.Dkt. No. 33.)

These exhibits and “Exhibit 8” January 2011 minutes shows not the Board, but the Board Road Committee was “authorizing [funds for] snowplowing contractors to do snow removal.” Even if contractors were Board authorized to plow they are not authorized to plow at a rate that did in fact exceed the yearly road budget. This is evident by “Exhibit 8” February 2011 minutes page 4 that says, “Snow removal in January 2011 [contractors-Rich Spallone] had already spent the entire years snow removal budget’ which prompted asking High South members to pay a special assessment that they refused to do. Daniel was removed a few months later for complaining about this unlimited spending on high south roads, as not limited or conditioned upon high south assessments of approx. \$17K per year, nor non-aggregate spending (per Covenant 8.01(h)) & other issues he claimed violate GLA governing contracts like Bylaw VI(I) “A Committee of Directors may not authorize distributions...” as Daniel witnessed as a Board member (and another just cause for filed suit June 2011).

This issue is also evidenced by Exhibit 7” “GLA Budget Reports 2009–2014. By comparing GLA expenditures to maintain Hercules & Polaris, & Sagittarius Road. (High South Glastonbury roads) these cost more than all other South GLA roads combined. “Exhibit 7” 2014 Budget shows GLA spent \$6,800 to maintain 2 roads–Hercules & Polaris which is also more than all the money spent on North Glastonbury Roads (of \$5,916.61) combined. Also 2011 GLA Budget shows the GLA spent \$9,661.50 as four times more money on High South Roads compared to all other South Glastonbury Roads combined & nine times more than all North Glastonbury roads combined just for snow removal on Hercules Rd. alone.

“Exhibit 6” GLA May 11, 2009 Meeting Report shows \$16, 356 assessments are yearly collected from members from “Hercules Access” (High South) roads. This doc also shows

Arcturus Access Rd. members pay three times more (\$21,054+\$6,090+\$27,144 =\$54,258) assessments per year than the Hercules members pay (or \$16K). But 2014 Exhibits 7 & 9 show the GLA spent 10 times less (\$2,680) on other roads like Arcturus Rd. and spent 8 times more (\$17,000) on High South Roads like Hercules Access Rds.. Also in 2011, GLA spent \$12,181 for grading maintenance of Hercules Rd. & another \$5,000 on shared maintenance costs for equipment, mowing, weed spraying, insurance, gas, truck maintenance, etc. This totaled over \$17,000 spent on one road–Hercules in 2011 that exceeds the annual yearly assessments collected in High South; and exceeded the road budget (as “Exhibit 8” February 2011 minutes page 4 factually states).

All together these many exhibit documents, affidavits of these GLA budget reports (Exhibit 7 & 9) are evidence of material facts in dispute showing GLA’s repeated failure to limit and condition spending on GLA High South Roads contrary to GLA Covent 8.01(h) and exceeded the annual road budget without member due process notice.

**4b) GLA refusal to utilize the GLA website to post member payments, notices, newsletters, etc.. (unnecessarily costing members approx. \$12,000 more per year in printing, mailing, labor costs instead); which also violates Covenant 11.05a. for not being consistent with its responsibilities and good business practices;**

**This complaint fact #4b denied by GLA admission answer #12**

**Plaintiff Affirmative Defense(s) #4b:**

**admitted by admission answer #13 and “Exhibit 10” Notice of meeting re: emails & GLA Budget Report (Jan.-July 2014) are evidence of this claim #4, as follows:**

This Exhibit 10 by the GLA states they could “save money using email” on many tasks. But instead GLA unnecessarily spends over \$16,300 just for member bills, notices, newsletters, and other correspondence that can be done via a program or email for a fraction of the cost of snail mail. By not using electronic communications such as email, GLA wastes more than \$12,000

yearly assessments that could be saved otherwise; which is not “good business practice[s]...to the best of its ability” contrary to Covenant 11.05:

GLA Covenant 11.05 in part, “Accounting, Allocation and Use of Funds. The Association shall account for funds paid by Landowners pursuant to any assessment (the “assessment funds”) in any manner consistent with its responsibilities and good business practice....The Association is and shall be a fiduciary in the allocation, application and use of assessment funds. The Association has a duty to perform the responsibilities provided in these covenants to the best of its ability and to the extent that assessment funds reasonably allow.”

In fact, “Exhibit 10” page 2 shows the GLA admits it still keeps its GLA records in cardboard boxes or “17 boxes of GLA documents” even now. As this exhibit 10–April 14, 2014 meeting minutes proves, “To not digitize their GLA records in stored 17 cardboard boxes, nor use email, nor the programs like most companies to manage GLA paperwork, is material evidence or facts supporting this claim #5 that GLA waste \$12K yearly by not following “good business practices” “to the best of their ability” (per Covenant 11.05 above).

This 2nd Part of claim #5 in dispute has to do with the GLA not following “good business practices” “to the best of their ability” (per Covenant 11.05 requirement above) especially to not use email & computer programs to manage GLA paperwork. Further evidence of this issue of wasting funds by not following good business practices is shown by “Exhibit 5” that says Brown Law Firm email (July 22, 2014) for such haphazard storage of records complained that it took O’Connells nine hours just to find and copy a few GLA documents. Not only does this show the GLA is NOT following good business practises, these needlessly waste GLA assessment monies by the costs for GLA storage and retrieval of such GLA documents, not to mention add costs to members charged exorbitant fees to find such documents as were the O’CONNELLS CHARGED \$60 JUST TO HAVE GLA FIND A FEW GLA DOCUMENTS (see motion to dismiss summary motion attached O’Connell affidavit and attached “Exhibit 5.”

**5) GLA paying Board members to do Board duties, the GLA has misappropriated GLA assessment funds (fiduciary/fraud) & liability (per Art. VIII. and Bylaw VI.K by paying Directors to do GLA jobs.; which GLA Bylaw VI.K. says "Directors shall not be compensated for attending meetings and for**





serving as Directors .. The Directors may not be paid either a fixed sum for attendance at meetings nor a stated salary.” ;

**This complaint fact #5 denied by GLA admission answer #14–23, #31–33, #41. Note:**

Defendants’ summary motion pg. 22 & 23 is immaterial for this claim, because Defendants quotes from another case about why GLA should not hire agents for every board duty; which is part of another lawsuit has nothing to do with this complaint claim;

**Affirmative Defense(s) #5:**

**admitted by GLA admission answer #15, #17, #19, #31–37. Note:** GLA interrogatory answer #32 page 10 says that the GLA “Directors are not fiduciaries under Montana Law.” However, GLA Covenant 11.05 says, “The Association is and shall be a fiduciary in the allocation, application and use of assessment funds.” Therefore state law 35-2-416 does hold GLA accountable for misappropriation of GLA assessments as authorization for this claim.

These GLA admissions and interrogatories admit GLA Director Spallone was chosen and paid to maintain GLA Roads and Director Allen was paid for managing the GLA. But the dispute arises for these GLA jobs and money paid to four Directors total, was not “consistent with its responsibilities and good business practice” required per GLA Covenant 11.05, because:

a. GLA Director Spallone was chosen and paid to maintain GLA Roads and Director Allen was paid for managing the GLA as so called “independent contractors” (while they were also GLA Directors) without seeking any competitor bids;

b. Director jobs done for the GLA paid with GLA assessments is an obvious “conflict of interest transaction with the corporation in which a director of the corporation has a direct or indirect interest” per §35-2-418 MCA; and “Material facts of the transaction and the director's interest were [NOT] disclosed or known to [all] the members” and NONE of the members “authorized, approved, or ratified the transaction” as required under state statute §35-2-418 MCA.

**As further proof, discovery requests by Plaintiffs shows the GLA was NOT able to produce any competitive bids for such jobs given these four GLA Directors Allen, Spallone, Dubiel, and Ranttallo.**

GLAs’ summary judgment motion quotes from GLA Bylaw VI (K) on pg. 22 that Directors “may be compensated for services rendered in capacities other than as Directors.” But this is not part of the complaint claim regarding GLA Art. III that says GLA corporation “does not contemplate pecuniary gain or profit to the members...” which Articles trump the Bylaws.

Such articles show members and Directors can not make “a profit,” or compensated over and above expenses incurred, for services rendered; which is making a profit.

Complaint claim evidence in admissions cited above shows at least four Directors named in the check details are likely making a pecuniary or beneficial financial gain called profit. In fact, discovery documents of check details, and Board meeting minutes (numerous docs) show the 2010-2011 GLA Board voted to give Director Defendant Alyssa Allen a stated salary of \$15.00 per hour “to manage the GLA.” Alyssa makes on average \$400 per month since 2010 until November 2013. Then in June 2014, the GLA voted to hire Alyssa Allen as a “GLA employee” with a stated salary of \$15 per hour. After O’Connells objected to this hiring was part of the 114 lawsuit claim, the Board quickly fired Alyssa Allen, consulted with attorneys and reversed their decision. This summary motion is premature is GLA admissions/interrogatories above show Spallones’ Allen’s and other Directors profits are still in question. To resolve this dispute temporarily, Allen quit the GLA Board then was promptly hired with a states salary to work for the GLA. This makes 10 out of 12 Directors leaving the Board after this 2011 suit.

**Defendants motion defending compensation for expenses incurred has nothing to do with this complaint claim against Directors making a profit after incurred expenses. This is Defendants only motion defense regarding this claim immaterial to this complaint claim. They do not address this complaint claim of “profit” and “stated salary to Directors that argues Directors and members can not make a profit per Art. III, because GLA Directors are being compensated for a pecuniary or beneficial financial gain; a profit (over and above expenses).**

**Further evidence shows GLA/Bolen & Allen written depositions Sept. 2013**

**“Discovery Request #8” answer/ did not deny that “Directors are paid with GLA monies.”**

**GLA Response to #8 also did not deny that “GLA roads, snowplowing, and “managing” the GLA are services required by the [GLA] Association Directors, per Covenant 11.02...”: for**

**which duties the Directors were compensated. And §35-2-436 MCA allows Director**  
“Liability for unlawful distributions.. of funds..” This State statute does not allow unlawful  
distributions of assessment funds such as Director compensation for serving as Directors. Yet  
GLA Directors depositions cited below did not deny they received compensation for Board  
duties of GLA Directors.

**Evidence in Bolen and Allen’s written depositions Sept. 2013 #8 Response says “documents  
000464 and 000465” were the only 2 contractor bids the GLA took since 2010.**

This written deposition is evidence that GLA Directors have for many years been  
awarded paid contract work by the GLA (even without any bids from any other company or  
entity). More evidence within “Exhibit 11” GLA check details from 2010 through 2014 show  
Alyssa Allen, Gerald Dubiel, Rich Spallone, and Paul Rantallo, all GLA “Directors, are paid with  
GLA monies” for such Board duties as “roads” “snowplowing” and “managing” the GLA.

“Exhibit 11” 2012 check details show Alyssa Allen was paid for “office supplies” and to  
“manage” the GLA which is a board duty. “Angelis Designs” is Alyssa Allen’s company also  
paid GLA funds; for which no bids were taken from any other company. So Allen’s company as  
she is a GLA Director & member “derived an improper personal economic benefit” (per Articles  
VIII.) for getting paid for Board duties & her company hired for years without taking any bids.

May 9, 2011 audio recording transcribed above (page 7) shows Rich Spallone himself  
authorized funds to pay himself or his company for snowplowing GLA roads a board duty; for  
which no other bids were taken. “Exhibit 11” evidence also shows Director Spallone as  
contractor/owner of R & B Builders, got paid to snowplow High South Roads from 2010- 2014.  
So Spallone or his company was hired without taking bids that also “derived an improper

personal economic benefit” (per Articles VIII.). “Exhibit 11” also shows member Directors Paul Rantallo and Gerald Dubiel were paid to either work on GLA roads, Quonset hut, or other GLA road duties of the board, also hired all these years (2010-2014) without taking any bids that “derived an improper personal economic benefit” (per Articles VIII.).

But even if these Directors were somehow not paid for board duties as the evidence disputes, they are still GLA members and all four GLA members received “pecuniary gain or profit to the members hereof” as contrary to GLA Articles III. This is because written deposition claims there or “no GLA employees” & contractors in this case Directors received \$20-\$30 per hour which is profit over and above expenses. This evidence shows GLA liability for “misappropriation of funds” & breach of duty for Director compensation as “improper personal economic benefit” per Bylaw VI(K) & §35-2-436 MCA.; including Director liability for breach of duty in lien assessments \$100K likely lost, and \$12K per year for not following good business practices.

**6) GLA deny its members meeting minutes from all GLA "private meetings" "committee meetings" and most open Board meetings (see attached email written request); which meetings GLA conduct in secret is in violation of Bylaw Art. VI (I):**

**This complaint fact #6 denied by GLA admission answer #24–30,**

**Plaintiff Affirmative Defense(s) #6:**

**Admitted by GLA admission answers #35–36, there is no minutes taken of GLA Board**

**“private meetings” or else such minutes ARE denied to members as confidential. This claim is factually evidenced also by “Exhibit 8” (attached last 2 pages) and by Defendants written deposition July 2013 page 3, as follows:**

“GLA denies it gave Plaintiffs any “approved GLA minutes since August 2012” as Plaintiffs have refused to pay “costs of labor and material” as required by Mont. Code Ann §35-2-908... no such minutes were given” to Plaintiffs.

“Exhibit 8 (last 2 pages) showing the top of four Board meeting minutes from 1998, 1999, 2010, & 2014. This 2010 & 2014 “Final” meeting minutes header says,

“Confidential-DO NOT Copy,” unlike the 1998 & 199 minutes. This is evidence that up until O’Connells sued the GLA, the GLA has forbid its members from viewing or copying any board minutes especially as GLA Defendants named all minutes as “confidential” as this exhibit proves.

Yet state law below as well as GLA Bylaws below yet requires that GLA mebers be allowed to inspect all meeting minutes, and DOES NOT allow some minutes to remain “confidential as this evidence above shows. Members denied “confidential” meeting minutes (allowed per §32-2-906 &7, MCA & Bylaw VI(I)) below) have no way of knowing actions their Board took; which actions effect member property & rights.

GLA Bylaw (J) “ Action by Written Consent. Any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all members of the Board are contacted and a two-thirds majority of the Board members shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the Minutes of the proceedings of the Board...”

§35-2-907, MCA. Inspection of records by members. (1) Subject to 35-2-908(3) and subsection (5) of this section, a member is entitled to inspect and copy .... (a) ...records required to be maintained under 35-2-906(1)” which says, “A corporation shall keep as permanent records minutes of all meetings of its members and board of directors, a record of all actions taken by the members or directors without a meeting, and a record of all actions taken by committees of the board of directors as authorized by 35-2-433(4)”

GLA Bylaws below also requires that GLA actions without a meeting such as email votes be attached to the minutes, but this has never happened as discovery requests for such documents are absent such documents. Yet “Exhibit 14” admits to email meetings and votes by the Board,

yet the Board failed to then take such email meeting minutes or attach them to its regular meeting minutes in violation of GLA Bylaw VII. as follows:

GLA Bylaw VI (I) in part, "The provisions herein which govern meetings, actions at meetings, notice, waiver of notice, quorum and voting requirements of the Board also apply to Committees of Directors ... All committees shall keep Minutes reflecting the committee members attending and the actions taken."

Daniel's complaint affidavit says the GLA did not take committee minutes either as Bylaw above requires. Then the first time in 2014, the GLA claims its committee minutes are part of the Board meeting minutes, but "Exhibit 8" Board meeting minutes from 2011, 2012, & 2014 only show committee "reports" and "closed session" private meeting that do NOT show "Minutes reflecting the committee members attending and the actions taken" as above state law §35-2-907, MCA requires, much less notice of committee meetings required in Bylaw above.

Further evidence "Exhibit 8" 2011 meeting minutes show GLA took no committee minutes, not including GLA annual meeting minutes NOT taken when this lawsuit claim was filed 2011. Former GLA President Bolen admitted at the September 2013 Board meeting that the GLA has NOT taken "annual member meeting minutes" as absent in the GLA written deposition documents requested.

Prior to this lawsuit, much of what the GLA Board did was thus done in secret by committee or in private session without member notice, quorum, and without any minutes taken reflecting the private meetings or committee meetings, much less members attending and actions taken therein. Therefore this member claim #6 has merit for all minutes (via email) as members only proof of what GLA does in private meetings, committee meetings or annual meetings may

effect member property. Thus the GLA actions denying to its members private GLA meeting minutes and denying its annual meeting minutes, and denying its committee meeting minutes should all be restrained.

**7) GLA without member authority declare GLA election ballots, proxies, certification, and vote tallies “confidential” since 2011 and denied to members. GLA covenants:**

Such secret election practices of the GLA Board violate Montana law (MCA 35-2-535) & exceed GLA covenant authority (MCA laws) for non-profit corporations do NOT authorize election process and results to be confidential nor secret to be denied to Members. Also GLA Board yet refuse to let members know who is authorized to cast proxy ballots and how many and who cast votes at elections.)

**This complaint fact #7 denied by GLA admission answer #24–26, #36, #39, #48–50**

**Plaintiff Affirmative Defense(s) #7:**

**This fact is evidenced by attached “Exhibit 5–July 29, 2014 email from GLA that explains,**

‘the GLA refuses to allow email notification unless’ the “Confidentiality Policy” (Exhibit 6) is approved by members to keep “email addresses confidential.”

O’Connells (Exhibit 5) July 29, 2014 email claims this GLA Confidentiality policy is contrary to state statutes below including §35-2-114 “(3) “Authenticated electronic identification” includes any e-mail address [& per §35-2-906 that allows members to have “addresses of all members”] or other electronic identification designated by a user, including a corporation, for electronic communications.”)

Further evidence also shows a July 29, 2014 email (“Exhibit 5”), in part:

“...member records are not “confidential” [as “Exhibit 6” claims] and must be made available, because state laws allow corporate members [O’Connells] to have these specific membership records.

These state laws include, §35-2-114(3)MCA, §35-2-907MCA, & §35-2-906MCA that require the GLA to let its members inspect/copy records [listed as 1-4 in this email] such as “addresses” “accounting records” “financial statements” “membership list” “minutes of all meetings” & “resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members.”

GLA's denial of these "so called "confidential" election documents documents is further evidenced by "Exhibit 6" that shows GLA's July 16, 2014 letter to all GLA members proposing these same requested member records (denied to O'Connells) remain "confidential" in direct violation of state laws §35-2-114(3)MCA, §35-2-907MCA, & §35-2-906MCA (cited below) that allow such member election records to members.

§35-2-114(3)MCA, part (42) "Vote" or "voting" includes but is not limited to the giving of consent in the form of a record provided electronically or by written ballot and written consent"

and §35-2-906MCA, part (5)(d) "the minutes of all meetings of members and the records of all actions approved by the members for the past 3 years;"

and §35-2-907MCA, **part (1) Inspection of records by members.** "(1) Subject to 35-2-908(3) and subsection (5) of this section, a member is entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described in 35-2-906(5)..."

, Exhibit 5 and Exhibit 6 are evidence. GLA deliberate attempts to circumvent these laws and circumvent the 2012 settlement agreement by GLA's July 16, 2014 letter regarding their proposed "Confidentiality Policy" to its GLA members proposing its members vote to keep member election records as "confidential" and for repeated denial of O'Connell requests for such member election documents deemed "confidential" by the GLA. In fact O'Connell affidavits attached to motion to dismiss GLAs summary judgement motion is sworn evidence of GLA actions to deny O'Connell members repeated election document requests in violation of state laws and the 2012 settlement agreement.

Further evidence is within GLA written deposition July 2013 page 6 that admits,"Prior to that [2011] vote tallies were not published... GLA denies that its members were given ballots and proxies because disseminating ballots and proxies would violate the voters' privacy."



O'Connell affidavits are more evidence of this claim #7 that says, "contrary to state law §35-2-906(5)(d), the GLA without apparent authority every year declares "confidential" all GLA election ballots, proxies, and ballot certification and routinely deny members from viewing these member documents." This Aug. 2011 complaint affidavit shows 'Daniel as a Director was denied a membership voter list so that he was not able to contact member voters after the Board circulated a petition for his removal.'

Since these election documents are "actions approved by the members" per §35-2-906MCA, members have a right to these documents that Defendants deposition cited above they requested but the GLA deny to members. These election documents are actions the GLA members took also per 35-2-542, MCA, part 3) "to reject a [member] vote, consent, waiver, or proxy appointment [from] the secretary or other officer or agent authorized to tabulate votes..." Thus Defendant deposition and attached affidavit is evidence for enjoining GLA actions in violation of these four state laws cited above.

(Note: Bolen & Allen written Deposition from Oct. 2013 page 4 states that members, "Sandra Irby, James Gough, and other volunteers [members] counted ballots at the GLA election in 2011." For all other members these election documents are deemed confidential and denied inspection. This same written deposition by Bolen & Allen Discovery Request #7 also states "GLA Defendants now respond that since 2011, it started to publish GLA election tallies in the GLA newsletter." This statement all parties did not deny is true. **This is factual evidence that GLA has partially conceded in a small way on this complaint claim to at least publish election tallies**, but without actually seeing member election ballots as proof, GLA has yet denied its members all election documents for the rest of this claim.)

This claim #7 "denial of election documents" is similar to claim #1 denial of member documents. What is not the same, this claim is pivotal to all GLA elections & voting processes that are not transparent, controlled solely by the GLA Board without audit-able and verifiable election procedures for members, thus ripe for election fraud.

Therefore these factual evidences support this claim showing GLA contrary to law & subject to fraud if not restrained for denying its members election documents.

**8) GLA Board refuse to get or require written bids before hiring contractors (its own Board members)- thus in violation of GLA Article VIII & Bylaw VIII.K.:**

**This complaint fact #8 denied by GLA admission answer #23,**

**Plaintiff Affirmative Defense(s) #8:**

**Evidence in Bolen and Allen's written depositions Sept. 2013 #8 Response says "documents 000464 and 000465" were the only 2 contractor bids the GLA took since 2010.**

Directors are liable "for unlawful distributions" (per §35-2-436 MCA) made either by paying Directors to snowplow without a vote from the whole Board (evident by 'Exhibit 8" February 2011 meeting minutes page 3) or else the GLA first denying or refusing to require competitive bids before hiring GLA Directors. Discovery of written contracts for these four Directors & oral depositions are needed to show the whole Board approval or liability, but as stated above, Bolen and Allen's written affidavits Sept. 2013 #8 Response says "documents 000464 and 000465" were the only 2 bids the GLA took since 2010.

By never taking bids, GLA Board denies the association cheaper services denies free competition that only benefits these four GLA member Directors; whom thus "derived an improper personal economic benefit" (per Articles VIII), These Directors also thus had "exclusive dealing arrangements" absent free competition bids for cheaper services; which is a breach of "good faith" "not in the best interest of the corporation" as contrary to t state law clause §35-4-416 MCA. This law allows Director liability and evidence supports this claim #8 showing four GLA Directors since 2010 (5 years) had "exclusive dealing arrangements" with the

GLA and continue to have; for which they “derived an improper personal economic benefit” are liable per §35-4-416 MCA & Articles III. & VIII. Plus, by not taking competitor bids, this also violates GLA Covenant 11.05 requirement that GLA follow good business practices to seek to find lower bids for such jobs done by GLA Directors (see Covenant 11.05 in claim #4b above).

GLA written depositions are evidence that GLA Directors have for many years been awarded paid contract work by the GLA without any bids from any other company or entity for such Board duties as “roads” “snowplowing” and “managing” the GLA, all without written bids.

**GLA Counterclaim against O’Connells for alleged “vexatious litigants:”**

**This counterclaim fact is** disputed by O’Connell affidavits against Counterclaim, and disputed by complaint claims 220/164 and 193, (within 2012 Settlement Agreement) GRANTED O’Connells 193 claims for relief; and disputed by GLA Admission **Answer #38; that admit** O’Connells won claims in complaint 193 (within 2012 Settlement Agreement), and 220/164 joiner cases for the Minnick clause being removed; see GLA Counterclaim Admission **Answer #40** as GLA ADMITTED they removed the disputed statement that said, “Minnick Management” [agent] had “exclusive control over all GLA ...parcels...;” which O’Connell complaint had claimed this original contract statement was against state law; and GLA signed the 2012 Settlement Agreement that gave O’Connells relief from all complaint claims and counterclaims. all showing these case claims had merit;

**Plaintiff Affirmative Defense(s) against Counterclaim:**

GLA Counterclaim Admission **Answer #40;** GLA ADMITTED they removed the disputed statement that said, “Minnick Management” [agent] had “exclusive control over all GLA ...parcels...;” which O’Connell complaint had claimed this original contract statement was against state law; and GLA signed the 2012 Settlement Agreement that gave O’Connells relief from all complaint claims and counterclaims. all showing these case claims had merit;

The Counterclaim is also barred by res judicata and/or collateral estoppel that claimed Plaintiffs prior complaints (DV-11-193) and DV-12220 enjoined with DV-12-164) were

“frivolous” & “vexatious.” Such Defendants claims are barred by res judicata and/or collateral estoppel, because Defendants could have or failed to make such claims before those complaints were adjudicated.

Note: GLA attempts to reargue their summary motion and counterclaim in their admission answers #5–#7, yet failed to mention the fact that the MT. Supreme Court in 2013, PG.4 Order to Remand their complaint said, “O’Connells were asserting substantive and procedural VIOLATIONS OF THE GLA COVENANTS..”

This court thus saw merit in this 114 case. Also, Plaintiffs early filing in 114 case lacked GLA as defendants, which caused certain early documents to be denied. Plaintiffs amended complaint later added the GLA as defendants. Court cases Guill and Motta also do not apply to GLA counterclaim, because Defendants have failed to provide any specific evidence that proved litigious by any court. Plaintiffs affidavits and all prior cases 193, 164/220 prove there is absolutely no history of any vexatious, harassing or duplicative lawsuits by Plaintiffs. In fact this case is contrary to Guill and Motto, because O’Connells were never found to intentionally ignore Orders; and Defendants made no discovery requests ever, so Plaintiffs could not have ignored such request; and the Court never found frivolous sanction requests by O’Connell cases, nor found any discovery unrelated; and Plaintiff motions seeking to change Orders are within a movants’ rights. For all these things, Council is trying to make themselves a character witness in this case because they give no factual evidence, or hearsay, or raise such topics having no direct relation or no foundation, as there’s no history of any litigious finding by the court.

Settled Dispute(s): Admission **Request 37. complaint claim for relief to remove GLA Board members was basically granted and now mute,** because 10 out of 12 GLA Board of Directors, since September 2011, have either quit the Board or were voted out of office (excluding Paul Rantallo & Gerald Dubiel). Settled Dispute: Admission **Request 39.** Defendant Directors appear to have conceded on at least 2 complaint claims showing these claims have merit: 1) Bolen & Allen Oct. 2013 depositions Discovery Request #7 admit the GLA began to publish GLA election tallies in the GLA newsletter;” & 2) Bolen & Allen 2013 written deposition answers also admit that they never furnished members “Receipts and Expenditures” until after this lawsuit claim filed June 2011.

#### IV. CONCLUSION

For the foregoing reasons, GLA Board Director O’Connells pre-complaint investigation and reasonable cause determination in his complaint, declaration, & affidavit, relevant to same prove there are genuine and material factual & legal disputes. Goka v. Bobbitt, 862 F.2d 646 at 650 (7th Cir. 1988). Rule 56 committee notes (1937) still ring true that a motion for summary

judgment should be denied' if any doubt remains as to the propriety<sup>2</sup> [credibility]. Therefore, Defendants' Motion for Summary Judgment should be denied.

Respectfully submitted this 20th day of April, 2015,

By:   
Daniel O'Connell

By:   
Valery O'Connell

#### Certificate of Service

A true and correct copy of forgoing document(s) were sent to the following parties via email (minus exhibits) this day and first class mail with exhibits on the following day to:

Sixth Judicial District Clerk of Court  
414 E. Callender St.  
Livingston, Mt. 59047

Alannah Griffith  
26 E. Mendenhall  
Bozeman, Mt. 59715

Hon. Judge David Cybulski  
573 Shippe Canyon Rd.  
Plentywood, Mt. 59254

Brown Law Firm, P.C.  
315 N. 24th St. (PO Drawer 849)  
Billings, MT. 59103-0849

By:   
Valery O'Connell

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<sup>2</sup> Original Committee Note of 1937 to Montana Rule 56, reprinted in 6 MooRE's FEDPALR PRAC cE 56.01[21, at 56-14 (2d ed. 1976). Also see Cheyenne Western Bank v. Young, - Mont. -, 587 P.2d 401, 404 (1978); Fulton v. Clark, 167 Mont. 399, 403, 538 P.2d 1371, 1373 (1975); Kober v. Steward, 148 Mont. 117, 122, 417 P.2d 476, 479 (1966).



# EXHIBIT 1

October 23 2012

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

DA 12-0157

## IN THE SUPREME COURT OF THE STATE OF MONTANA

2012 MT 238N

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DANIEL K. O'CONNELL (a Director of the  
Glastonbury Landowners Association  
Incorporated) and VALERY A. O'CONNELL  
& for and on behalf of the landowners) & the  
many members of the GLASTONBURY  
LANDOWNERS ASSOCIATION,

Plaintiffs and Appellants,

v.

RICHARD BOLEN, LAURA BOISE, JANET  
NACLERIO, SHERIDAN STENBERG, ALYSSA  
ALLEN, GERALD DUBIEL, RICH SPALLONE,  
& WILLIAM SMITH (all directors of GLA) &  
"the GLASTONBURY LANDOWNERS BOARD  
OF DIRECTORS" & the GLA GLASTONBURY  
LANDOWNERS ASSOC.,

Defendants and Appellees.

---

APPEAL FROM: District Court of the Sixth Judicial District,  
In and For the County of Park, Cause No. DV 11-114  
Honorable David Cybulski, Presiding Judge

## COUNSEL OF RECORD:

For Appellants:

Daniel K. O'Connell and Valery O'Connell, Self-Represented, Emigrant,  
Montana

For Appellees:

Alanah Griffith, Pape & Griffith, PLLC, Bozeman, Montana  
Frederick Landers, Attorney at Law, Bozeman, Montana

---

Submitted on Briefs: August 29, 2012

(Exhibit 1)



12(e). Appellees argued the O'Connells' complaint contained "rambling statement[s] mixed with law, conjectures and references to un-authenticated documents," making it "impossible" to tell how the facts applied to the claims made. On December 8, 2011, the District Court dismissed the O'Connells' case with prejudice and awarded Appellees their attorneys' fees and costs.

¶7 We review de novo a district court's ruling on an M. R. Civ. P. 12(b)(6) motion to dismiss. *Pederson v. Rocky Mt. Bank*, 2012 MT 48, ¶ 8, 364 Mont. 258, 272 P.3d 663. In our review, we look only at the allegations in the complaint. *Pederson*, ¶ 8. We will only affirm a district court's dismissal of a complaint for failure to state a claim if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief. *Pederson*, ¶ 8. A motion to dismiss must be construed in the light most favorable to the plaintiff, and all allegations of fact are taken as true. *Pederson*, ¶ 8. Additionally, we review a district court's decision to grant or deny attorney fees for abuse of discretion. *Wagner v. Woodward*, 2012 MT 19, ¶ 18, 363 Mont. 403, 270 P.3d 21. Finally, we generally afford pro se litigants a certain amount of latitude. *Greenup v. Russell*, 2000 MT 154, ¶ 15, 300 Mont. 136, 3 P.3d 124.

¶8 Although we agree with the District Court's finding that the O'Connells' complaint was not well-pled, we determine it was sufficient to survive a motion to dismiss. The allegations of the O'Connells' complaint, which at this stage are presumed to be true, put Appellees on notice that the O'Connells were asserting substantive and procedural violations of the GLA Covenants as well as fraud. Further, since the O'Connells should be afforded some leniency due to the fact that they are pro se, and because the Appellees moved in the

alternative for a more definite statement, we conclude the District Court erred in granting the Appellees' motion to dismiss for failure to state a claim with prejudice.

¶9 Where a pleading is "so vague or ambiguous" that a party cannot reasonably formulate a response, the Court can order a more definite statement. M. R. Civ. P. 12(e). Because the complaint was confusing and unclear, the District Court should have granted the Appellees' motion for a more definite statement so Appellees knew exactly what was alleged and what relief was sought. On remand, we instruct the District Court to order the O'Connells to amend their complaint to make a more definite statement showing they are entitled to relief from the Appellees and re-file with the District Court consistent with the time requirements set forth in M. R. Civ. P. 12(e). We would also encourage the O'Connells to consult an attorney to ensure their amended complaint is in compliance with our Rules of Civil Procedure so that it is not defeated by another motion to dismiss.

¶10 The O'Connells also argue that the District Court erred in awarding attorneys' fees and costs to Appellees. The District Court's award of attorneys' fees and costs was based on the GLA Covenants, which provided that the prevailing party in any action must receive its attorneys' fees and costs. Because we reverse the District Court's order granting Appellees' motion to dismiss and require the court give the O'Connells the opportunity to re-file their complaint, we also reverse the award of attorneys' fees.

¶11 We have determined to decide this case pursuant to Section I, Paragraph 3(d), of our Internal Operating Rules, which provides for noncitable memorandum opinions.

¶12 Reversed and remanded to the District Court for further proceedings consistent with this Opinion.

Justice Michael E Wheat delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(d), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Daniel and Valery O'Connell (collectively the "O'Connells"), appearing pro se, appeal from several different orders entered by the Sixth Judicial District Court, Park County, and raise six issues for our review. We consolidate and restate the dispositive issues as follows:

¶3 *Issue One: Whether the District Court erred in dismissing Appellants' complaint with prejudice for failing to state a claim.*

¶4 *Issue Two: Whether the District Court erred in granting Appellees their attorneys' fees and costs.*

¶5 We reverse and remand.

¶6 The O'Connells are homeowners within the Glastonbury Landowner's Association, Inc. (GLA), a Montana non-profit homeowners association. Daniel O'Connell was appointed to the GLA's board of directors in 2009, which he served on until 2011. On June 22, 2011, the O'Connells filed a complaint against eight individual board members, which included an application for a temporary restraining order and temporary injunction. They later amended their complaint to include the GLA as a defendant. On November 23, 2011, Appellees filed a motion to dismiss for failure to state a claim pursuant to M. R. Civ. P. 12(b)(6) or, in the alternative, a motion for more definite statement pursuant to M. R. Civ. P.



# EXHIBIT 1C

## About

### Glastonbury Landowners For Positive Change Invites Your Participation and Comments

Glastonbury Landowners For Positive Change (GLFPC) is a grassroots organization of landowners from both North and South Glastonbury who seek positive changes and solutions to an overburdened and unwieldy Glastonbury Landowners Association. We are not affiliated with, and are independent of, the current board of directors, acting out of our concerns for the future of our community. We have been meeting (and brainstorming for positive solutions) since early June 2014. We welcome all Glastonbury landowners who want to positively help reorganize the landowner association into a simpler, transparent, leaner, business-like organization. Our goals are to maintain assessments at current levels, maintain our roads in the most economical fashion, reduce administrative costs by simplifying services and welcoming and maximizing volunteers, reducing or eliminating exposure to lawsuits (as much as is humanly possible), keep legal expenses to a minimum, and even reduce assessments in the future (with landowner participation and input).

We are a "work in progress" and welcome your positive involvement. We have written a possible solution to our current dilemma which is posted here on this site. Please read, digest, consider and comment here or via the e-mail address below. Join us and help create the community you wish to see. Come to the GLA Special Meeting at Emigrant Hall at 7:00 PM on July 21, 2014 and support this endeavor to return the governing of your community to its members.

To become part of this grassroots movement to reorganize the Glastonbury Landowners Association, please send an email with the subject line "COUNT ME IN" and message with your name, address, phone and Glastonbury parcel number(s) to: [glastonburylandownersgroup@gmail.com](mailto:glastonburylandownersgroup@gmail.com)

Together we can be the change we wish to see.

Founding members: Chris & la Williams (NG), Donna Lash-Anderson (NG), Regina Wunsch (SG), and Tim Brockett (SG)

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"Exhibit 1C"

# EXHIBIT 2

Daniel & Valery O'Connell -PRO SE

P.O. Box 77

Emigrant, Mt. 59027

406-577-6339

**MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

Daniel K. O'Connell & Valery A. O'Connell  
& on behalf of themselves as members of  
Glastonbury Landowners Association.

Plaintiff(s),

v.

Glastonbury Landowners Association, Inc.  
Board of Directors

Defendant(s)

Cause No. DV-12-114

**DELAY OF DEPOSITION PENDING  
MOTION TO INDEMNIFY**

Plaintiffs-Daniel and Valery O'Connell, hereby submit this notice of "Delay of Deposition Pending Motion To Indemnify." Delay of Oral Deposition for Alyssa Allen is hereby temporarily postponed until a later date to be announced by Plaintiffs to allow for the indemnification motion of June 3, 2014 to be settled. This is because such indemnification can effect the oral deposition by providing legal council to the O'Connells.

DATED this 10th day of June, 2014.

Signed

  
Daniel O'Connell

Signed:

  
Valery O'Connell

**Certificate of Service**

We, Daniel & Val O'Connell, swear that a true and correct copy of forgoing document(s) were sent to the following parties via certified mail AND EMAIL on this same day to:

Alanah Griffith  
26 E. Mendenhall  
Bozeman, Mt. 59715  
[alanah@papegriffithlaw.com](mailto:alanah@papegriffithlaw.com)

Alyssa Allen  
PO Box PO Box 333  
Emigrant, MT. 59027  
[alyssaallen33@gmail.com](mailto:alyssaallen33@gmail.com)

"Exhibit 2"



Hon. Judge David Cybulski  
573 Shippe Canyon Rd.  
Plentywood, Mt. 59254

By:   
Valery O'Connell

U.S.L.I. Insurance Agent & GLA attorney  
Brown Law Firm, P.C.  
315 N. 24th St. (PO Drawer 849)  
Billings, MT. 59103-0849  
[mheringer@brownfirm.com](mailto:mheringer@brownfirm.com)

# EXHIBIT 3

*Not included*

# EXHIBIT 4

Frederick P. Landers, Jr., Esq.  
Telephone (406) 922-4777  
[rlanders@axilonlaw.com](mailto:rlanders@axilonlaw.com)  
Also Licensed in Georgia

895 Technology Boulevard, Suite 102  
Bozeman, MT 59718  
Fax (406) 219-0733

December 26, 2011

Daniel O'Connell  
Valery O'Connell  
P.O. Box 77  
Emigrant, MT 59027

Re: *Glastonbury Landowners Association*

Dear Mr. and Mrs. O'Connell:

As you know the GLA Board of Directors recently adopted a conduct policy for their meetings which, among other things, prohibits the recording of Board meetings by anyone other than the designated minute taker.

I understand that you were asked to leave the December 12, 2011 Board meeting after you refused to stop recording, and that you believe that recording is permissible under Mont. Code Ann. 45-8-213, which states that it is not a crime to record "persons speaking at public meetings." I believe your interpretation of this statute is incorrect. While the statute does state that recording such meetings is not a *crime*, it does not prohibit a body such as the GLA Board from adopting its own policy prohibiting such recordings. Moreover, it is my opinion that the GLA Board meetings are not "public meetings" for purposes of the statute. The GLA is a private, non-profit corporation established for the mutual benefit of its members, not the public generally.

Although the Montana Supreme Court has never considered this question, other courts have. Attached for your review is a case from Pennsylvania in which the court granted an injunction in favor of a property owners' association and against a resident who repeatedly violated the association's policy against recording meetings. I believe the facts of that case are quite similar to the facts here, and that the court's reasoning in granting the injunction was sound. The GLA is prepared to similarly enforce and defend its own policy.

Please govern yourselves accordingly.

Sincerely,



Frederick P. Landers, Jr.

cc: Richard Bolen, GLA President

"Exhibit 4"

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2  
3  
4  
5  
6  
7 **MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY**

8 \*\*\*\*\*

9 DANIEL K. O'CONNELL and VALERY )  
10 A. O'CONNELL & for and on behalf of )  
11 Members of the Glastonbury Landowners )  
12 Association, )

12 Plaintiffs, )

13 v. )

14 GLASTONBURY LANDOWNERS )  
15 ASSOCIATION, INC. (the GLA )  
16 Corporation), )

16 Defendant. )  
17 )

Cause No. DV-2011-193

**STIPULATED  
SETTLEMENT AGREEMENT**

18 The parties to the above-captioned matter met for mediation on the 20<sup>th</sup> day of July, 2012,  
19 and agreed as follows:

20 1. The Glastonbury Landowners Association, Inc., hereinafter referred to as "GLA,"  
21 Board of Directors will provide a current GLA membership list to the O'Connells upon request, but  
22 not more than two times a year.

23 2. The GLA will provide O'Connells with all documents to which they are entitled  
24 pursuant to the Montana Non-Profit Corporation Act and GLA By-Laws upon request.  
25  
26  
27  
28

"Exhibit 4"

1 3. The GLA Board President will vote in accordance with the GLA By-Laws and not  
2 solely for the purpose of breaking a tie vote.

3 4. The GLA Board will rescind the existing prohibition against recording member  
4 meetings.

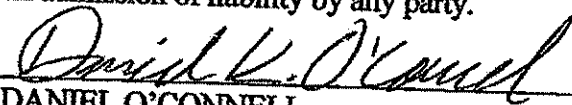
5 5. The parties will dismiss the above-captioned Complaint and Counter-claim with  
6 prejudice.

7 6. The GLA Directors may not cast proxy votes for members in any capacity; however,  
8 they may cast their own votes as landowners. The Proxy Authorization form will be amended  
9 accordingly.

10 7. This Stipulated Agreement is subject to ratification by the GLA Board.

11 8. Each party shall bear its own attorney's fees and costs.

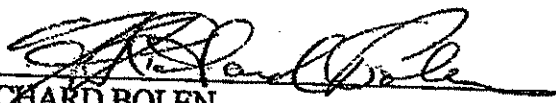
12 9. No provision included in this Stipulated Settlement Agreement shall be construed as  
13 an admission of liability by any party.

14  
15  
16   
17 DANIEL O'CONNELL  
18 Plaintiff

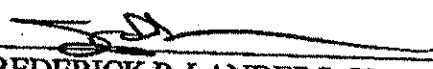
19 Date of Signature: 7/20/2012

20  
21   
22 VALERY O'CONNELL  
23 Plaintiff

24 Date of Signature: July 20, 2012

25  
26   
27 RICHARD BOLEN  
28 President, Glastonbury Landowners Association  
Defendant

Date of Signature: 07/20/2012

  
FREDERICK P. LANDERS, JR.  
Counsel for Glastonbury Landowners Association  
Date of Signature: 7-20-12

# EXHIBIT 5

From: **Alanah Griffith** [alanah@papegriffithlaw.com](mailto:alanah@papegriffithlaw.com)  
Subject: **Fwd: Fwd: 2nd Request to Inspect and Copy Documents**  
Date: **October 8, 2012 at 2:37 PM**  
To: **Daniel O'Connell** [dko@mac.com](mailto:dko@mac.com), [valoc@mac.com](mailto:valoc@mac.com)  
Cc: **Richard Bolen** [RICHBOLEN@aol.com](mailto:RICHBOLEN@aol.com), **Alyssa Allen** [alyssa@imt.net](mailto:alyssa@imt.net)

----- Original Message -----

**Subject:** Fwd: 2nd Request to Inspect and Copy Documents  
**Date:** Mon, 8 Oct 2012 11:31:22 -0600  
**From:** Alyssa Allen [alyssa@imt.net](mailto:alyssa@imt.net)  
**To:** Alanah Griffith [alanah@papegriffithlaw.com](mailto:alanah@papegriffithlaw.com)  
**CC:** Richard Bolen [richbolen@aol.com](mailto:richbolen@aol.com)

Begin forwarded message:

**From:** Daniel O'Connell [dko@mac.com](mailto:dko@mac.com)  
**Date:** June 7, 2012 12:59:59 PM MDT  
**To:** Alyssa Allen [alyssa@imt.net](mailto:alyssa@imt.net), Sheridan Stenberg [sheridan.stenberg@gmail.com](mailto:sheridan.stenberg@gmail.com), Richard Bolen [richbolen@aol.com](mailto:richbolen@aol.com), Paul Rantallo [paulrantallo@mail.com](mailto:paulrantallo@mail.com), Rich Spallone [richspallone@aol.com](mailto:richspallone@aol.com), Sean Halling [seanhalling@hotmail.com](mailto:seanhalling@hotmail.com), Janet Naclerio [Jannac99@aol.com](mailto:Jannac99@aol.com), Ken [haug\\_kenneth@hotmail.com](mailto:haug_kenneth@hotmail.com), Laura Boise [lauraboise@wispwest.net](mailto:lauraboise@wispwest.net), William Smith [octagon@wispwest.net](mailto:octagon@wispwest.net), Gerald Dubiel [dubielassociates@yahoo.com](mailto:dubielassociates@yahoo.com)  
**Cc:** Denise Orr Kirk [denise@wispwest.net](mailto:denise@wispwest.net), Rick Landers [rlanders@axilonlaw.com](mailto:rlanders@axilonlaw.com)  
**Subject:** 2nd Request to Inspect and Copy Documents

TO: GLA Board of Directors  
FR: Daniel and Valery O'Connell  
RE: Request for Documents  
June 7, 2012

Dear GLA Board of Directors,

On May 22, 2012, we made a request for documents. This request made 16 days ago has as yet gone unanswered. We are again making the same request with two additions. You have 5 business days with which to handle this request. Therefore we will expect to be able to inspect and copy by June 14 the following documents, per 35-2-906, 35-2-907, 35-2-910 of MCA and other applicable Statutes and/or GLA laws:

1. Inspect and copy the Collection Policy and the minutes of the meeting wherein such policy was made. As Members it is our right to know the decisions of our Board and agreements entered into that are binding to the Association and/or the Rules and Policies which the Board creates. Therefore this request is being made in good faith and for a proper purpose.

2. Inspect and copy the Conflict of Interest Policy of the Directors of the GLA and the minutes of the meeting wherein such policy was made. As Members it is our right to know the decisions of our Board and the Rules and Policies which it creates. Therefore this request is being made in good faith and for a proper purpose.

3. Inspect and copy the Non-Disclosure Agreement of the GLA Board and employees/independent contract workers and the minutes of the meeting wherein such policy was made. As Members it is our right to know the decisions of our Board and agreements entered into that are binding to the Association and/or the Rules and Policies which the Board creates. Therefore this request is being made in good faith and for a proper purpose.

4. Inspect and copy of the minutes of the meeting or email wherein the Board voted to file a counter-claim in the DV-11-193 case. As Members it is our right to know the decisions of our Board and the potential liabilities they pose the Association and its Members. Therefore this request is being made in good faith and for a proper purpose. Note: The DV-11-193 case was discussed in some specificity in a letter sent to all Landowners and therefore this info should not be deemed confidential by the Board.

5. Inspect and copy the most recent membership list including showing the names, addresses, and number of votes each member is allowed to cast. As Members it is in our interest as Members to have such a list for election purposes. Therefore this request is being made

"Exhibit 5"



Frederick P. Landers, Jr., Esq.  
Telephone (406) 922-4777  
[rlanders@axilonlaw.com](mailto:rlanders@axilonlaw.com)  
Also Licensed in Georgia

895 Technology Boulevard, Suite 102  
Bozeman, MT 59718  
Fax (406) 219-0733

July 18, 2012

Daniel O'Connell  
Valery O'Connell  
P.O. Box 77  
Emigrant, MT 59027

*Re: Glastonbury Landowners Association*

Dear Mr. and Mrs. O'Connell:

This letter is in response to your recent emails to the GLA Board, in which you have requested to inspect and copy certain documents.

It remains the GLA's position that, during the pendency of the litigation, you have no right to inspect and copy GLA records outside of the formal discovery process outlined in the Montana Rules of Civil Procedure. It is also the GLA's position that your requests for documents are not made on good faith and for a proper purpose as required by Mont. Code Ann. § 35-2-907, as evidenced by your cases against the GLA and repeated threats for additional litigation. Rather, the GLA believes that your requests are made simply for purposes of harassment and for the gathering of information in order to bring additional frivolous claims against the GLA. This response is provided simply in an effort to avoid additional frivolous litigation, and should not be construed as a waiver of the GLA's position on these matters.

The GLA responds to your requests as follows:

- Collection Policy and the minutes of the meeting of the meeting at which it was approved. At the March 12, 2012 meeting the GLA Board approved a draft policy which is to become effective in 2013. It is my understanding that the draft is not yet finalized and may be revisited in future meetings. Attached is the draft policy and the minutes from the meeting.
- Conflict of Interest Policy for the GLA Directors and the minutes of the meeting of the meeting at which it was approved. At the February 13, 2012 meeting the GLA Board approved a form to be used as a Board Member

Conflict of Interest Statement and signed by Board Members. Attached is a the Statement and the minutes from the meeting.

- Non-Disclosure Agreement of the GLA Board and employees/independent contract workers and the minutes of the meeting at which it was approved. Notwithstanding the ambiguity of this request as written, at the February 13, 2012 meeting the Board approved a form to be used as a Board Member Confidentiality Agreement and signed by the Board Members. Attached is the Agreement and the minutes from the meeting. The GLA has no separate written confidentiality or non-disclosure agreements for its employees and independent contract workers.
- Minutes of the meeting or emails in which the Board voted to file a counterclaim against you in the DV-11-193 case. As you know any discussions or votes about this matter would have been made in a private session of the Board and protected by the attorney-client privilege. Any such minutes or emails, if they even exist, will not be provided.
- Most recent membership list. Attached are the current membership lists for Glastonbury North and South.
- Erickson project review contract/agreement and minutes of the April 23, 2012 meeting at which it was approved. The Erickson project was discussed at the April 23, 2012 meeting, but apparently no official Board action was taken. At the May 14, 2012 meeting the Board approved drafts of a Building Restriction Easement Agreement, a Use and Development Agreement, a Road Maintenance Agreement, and a Road Policy Acknowledgement. The Use and Development Agreement was further revised at the June 18, 2012 meeting. These agreements have not yet been formally executed, and may be further revised. The draft agreements and copies of the minutes from the April 23, May 14 and June 18 meetings are attached.
- Meeting minutes from April 23, May 14 and June 18, 2012. Attached as stated previously.
- GLA Board private meeting minutes and agendas for meetings held on April 23, May 14 and June 18, 2012. If and when the Board meets in private, it has a valid reason for doing so, such as confidential matters relating to personnel or litigation. Any such minutes or agendas, if they even exist, will not be provided.
- Project review documents and any other documents approved by the Board at the April 23, May 14 and June 18, 2012 meetings. Other than those already produced, it appears that the only "document approved" by the Board at those meetings was the management agreement with Minnick Management. A copy of that agreement is attached. Project review documents, which may

have been simply reviewed by the Board, are outside the scope of Mont. Code Ann. § 35-2-906 and 907. It is my understanding that the Board typically has copies of project review documents available for inspection during the meetings at which they are discussed, and you are free to inspect them at that time.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Frederick P. Landers, Jr.

cc: Richard Bolen, GLA President

From: Val O'Connell valoc@mac.com  
Subject: Final request Re: Written request for GLA minutes/documents  
Date: December 27, 2012 at 2:46 PM  
To: GLA Board gla Board, scunningham@brownfirm.com  
Cc: mheringer@brownfirm.com

To: GLA Board  
From: Dan & Val O'Connell  
Date: Dec. 27, 2012

This is one of many requests for GLA documents since July 2012. You, the GLA Board and representatives, have continued to ignore and refuse our three written and 5 verbal requests for GLA documents. Thus you the GLA Board are in violation of the Aug. 2012 settlement agreement and also applicable state statutes such as below §35-2-907 below.

Such document copies requested now include:

- \* All GLA Board meeting and committee meeting minutes since April 2012.
- \* All GLA private meeting minutes and agendas since April 2012
- \* All documents approved by the Board since August, including all contractor/employee agreements with the GLA
- \* Including the amended Minnick contract (as reviewed and approved by the Board Dec. 17, 2012)
- \* Copies of all GLA receipts and expenditures for the last 3 years- including so called monthly "GLA check details"

O'Connells agree to pay the going copy rate of 10¢ per page in exchange for such document copies. Such documents are due now, but no later than Jan. 3rd, 2013 to avoid yet another legal action.

Sincerely,  
Dan & Val O'Connell  
PO Box 77  
Emigrant, Mt. 59027  
406-577-6339  
[valoc@mac.com](mailto:valoc@mac.com)

On Jul 10, 2012, at 1:33 AM, Daniel O'Connell <doko@me.com> wrote:

Rick and GLA,

In your July 9th e-mail to us you said;

"Finally, I believe the Board is in the process of assembling the materials you recently requested, even though you still have not described with reasonable particularity the purpose for which you have requested them. Simply stating that you have the right as GLA members to inspect the documents, and that you are simply concerned about the matters addressed therein, does not fulfill the requirements of the statute."

We disagree with your conclusions in your July 9th email. Also, waiting almost two months for any documents is an unexcept-able delay. If you delay again for more five business days without a proper excuse, then there will be another lawsuit per Montana law 35-2-907(2) and 35-2-906(5) and the sections and statutes therein where applicable. NOTE: These statutes allow for 5 business days notice to be given from the time we wish to view and copy.

But to reiterate, tonight at the July 9th GLA Board meeting, we requested to view and copy the minutes that were available in Naclerio's corporate minute book she said she brings to meetings. We were denied this right that your own clients swore was allowed in their May deposition at meetings. If it happens again then we will consider that Naclerio perjured herself.

Richard Bolen said tonight all request are to go to you for approval by you, Rick. Here is our written request notice:


Your clients have 5 business days, which is until the 17th, to allow us to view and copy:

1. the GLA Board meeting minutes from April 23rd, 2012, May 14, 2012, and June 18th, 2012 (minutes approved tonight without almost no change).
2. We also request GLA Board private meeting minutes and agendas held on these same days April 23rd, 2012, May 14, 2012, and June 18th, 2012 (with any legal/confidential information redacted, yet at least a general idea of what was discussed is requested).
3. We also request to view and copy any project review documents and any other documents approved by the Board April 23rd, 2012, May 14, 2012, and June 18th, 2012.

35-2-907 is applicable here and says:

- (3) A member may inspect and copy the records identified in subsection (2) only if:
  - (a) the member's demand is made in good faith and for a proper purpose;
  - (b) the member describes with reasonable particularity the purpose and the records the member desires to inspect; and
  - (c) the records are directly connected with this purpose.
- (4) This section does not affect:
  - (a) the right of a member to inspect records under 35-2-535 or, if the member is in litigation with the corporation. . .

"Exhibit 5"

From: **Daniel O'Connell** dko@mac.com   
Subject: **Written request for membership list including member emails**  
Date: **May 12, 2014 at 2:17 PM**  
To: **Minnick Management Inc** minnickmanagement@inbox.com  
Cc: **Sheridan Stenberg** sheridan.stenberg@gmail.com, **Janet Naclerio** Jannac99@aol.com, **Laura Boise** lauraboisegla@wispwest.net, **Paul Rantalo** paulrantalo@mail.com, **Alyssa Allen** alyssa@imt.net, **Gerald Dubiel** gpdubiel@yahoo.com, **Robert Wallace** robhw@wispwest.net, **Janice McCann** mccanns8@gmail.com, **Robert Branson** robranson@bigsky.net



**Date: May 12, 2014**  
**To: GLA Board and Minnick Management**  
**From: Dan and Val O'Connell**  
**Re: Written request within 2 business days for membership list including all available "authenticated electronic identification" which includes e-mail addresses.**

Attached for reference is a copy of the 2011 settlement agreement between the GLA and O'Connells. Part one of this agreement says, "GLA" Board of Directors will provide a current GLA membership list to the O'Connells upon request, but no more than two times a year."

As 35-2-535, MCA(below) and the settlement agreement allows, this e-mail serves as written request for a current GLA membership list; including GLA members email addresses (per 35-2-535 & 114 below) due by Wednesday May14, 2014; which is two business days after today.

In 2013, the Mt. Legislature amended the non-profit corporation act that defines non-profit corp. membership list and added "authenticated electronic identification" pursuant to 35-2-535, MCA part (1) that says, "The list must show the address or authenticated electronic identification and number of votes each member is entitled to vote at the meeting." Also, 35-2-114, MCA. says in part: " (3) "Authenticated electronic identification" includes any e-mail address or other electronic identification designated by a user, including a corporation, for electronic communications. "The GLA (and website: [glamontana.org](http://www.glamontana.org) communications/email link (<http://www.glamontana.org/email-lists/>) already collects e-mail addresses of members; for which copies of GLA member email addresses are hereby requested.

Sincerely,  
Dan and Val O'Connell

*Daniel K. O'Connell*  
*Val O'Connell*



# BROWN LAW FIRM, PC

John J. Russell  
Michael P. Heringer  
Guy W. Rogers  
Scott G. Gratton  
Kelly J.C. Gallinger  
Matthew I. Tourlotte  
Jeffrey T. McAllister  
Jon A. Wilson  
Seth M. Cunningham  
Shane A. Macintyre  
Thomas R. Martin  
Andrew J. Miller

315 N. 24th Street | PO Drawer 849 | Billings, Montana 59103-0849  
Phone: 406.248.2611 | Fax: 406.248.3128

May 20, 2014

Daniel and Valery O'Connell  
PO Box 77  
Emigrant, MT 59027

RE: **O'Connell v. Glastonbury Landowners Association**  
**Our File No. 73200.005**

Retired  
Rockwood Brown  
John Walker Ross  
Margo Bonner

Dear Mr. and Ms. O'Connell:

This letter is in response to your email to the GLA Board dated May 12, 2014 where you request a member list pursuant to Mont. Code Ann. § 35-2-535. Title 35, Part 5 of the MCA governs voting of members and notices of annual and special meetings. The specific statute you cite states:

After fixing a record date for a notice of a meeting, a corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of the meeting. The list must show the address or authenticated electronic identification and number of votes each member is entitled to vote at the meeting.... Mont. Code Ann. § 35-2-535(1)

The list identified in Mont. Code Ann. § 35-2-535(1) is specifically prepared for providing notice of annual, regular or special meetings of members. This list is different and separate from the regular member records kept pursuant to Mont. Code Ann. § 35-2-906(3). The list is only prepared in preparation for a member meeting. There are currently no dates fixed for notice of a member meeting, and so there is no such list at this time.

As you note, Mont. Code Ann. § 35-2-114(3) defines "authenticated electronic identification" to include an email address. In your email, you request email addresses of members as well. However, email addresses are not required to be part of this list.

From its clear language the statute states the list "must show the address or authenticated electronic identification"—meaning only one of the two must be on the list. The GLA has never provided notice of member meetings via email because Article V.D of the By-laws requires the GLA to provide notice of member meetings by U.S. Mail or facsimile. Thus, the GLA's list prepared before member meetings has historically contained mailing addresses because that is how notices are sent.

Daniel and Valery O'Connell

May 20, 2014

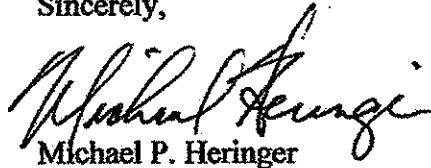
Page 2

As you likely know, the GLA By-laws were recently amended by special meeting (See attached ballot and notice of special meeting). Article V.D. of the bylaws was amended to allow notice of member meetings via email provided the Owner has given written consent to be notified by email.

This amendment has just passed, and the GLA has yet to send out forms to the landowners to obtain written consent for email notification and so no "authenticated electronic identification" for the purpose of receiving member meeting notices has been obtained. Until that occurs, the GLA will continue to send out notices of member meetings via U.S. mail.

Once a date has been set for another member meeting, another list of members will be prepared pursuant to Mont. Code Ann. § 35-2-535. If any members have given written consent for notification of the meeting via email, their email addresses will be on that list which will be available for inspection by all GLA members.

Sincerely,



Michael P. Heringer

MPH:  
Enc.  
cc:

From: Daniel O'Connell dko@mac.com  
Subject: Re: 2nd Written request for copy/inspection of membership list and more  
Date: June 8, 2014 at 9:43 PM  
To: Minnick Management Inc minnickmanagement@inbox.com  
Cc: Sheridan Stenberg sheridan.stenberg@gmail.com, Janet Naclerio Jannac99@aol.com, Laura Boise lauraboise@wispwest.net, Paul Rantallo paulrantallo@mail.com, Allyssa Angellis alyssa@imt.net, Gerald Dubiel gpdubiel@yahoo.com, Robert Wallace robhw@wispwest.net, Janice McCann mccanns8@gmail.com, Robert Branson robranson@bigsky.net



Date: June 8, 2014  
From: Dan and Val O'Connell  
PO Box 77 Emigrant, MT. 59027  
To: GLA Board, council Brown Law Firm, & Minnick Agent  
Regarding: Second demand for membership list, & response to Brown Law Firm letter of May 20, 2014:

To the above parties,



This written request is to inform you of the legal requirements as pursuant to §35-2-907, MCA. (below) regarding this O'Connells' written request for inspection & copy of GLA records; including membership list with emails as allowed under §35-2-114(3)). It is necessary under the law to tell you this demand to inspect & copy GLA records is made in good faith and for a proper purpose to solicit the votes of the members in an election to be held by the corporation and the records are directly connected with this purpose, and not to be used for any commercial purpose; or sold to or purchased by any person.

However, this law below does not require notice of a meeting nor does it define or limit what a membership list comprises; thus other law definitions of what a membership list comprises does apply under Ch. 35 and includes GLA member addresses including their email addresses.

Law §35-2-907, MCA. (below) also requires such copies as soon as 5 days after receipt of this written request.

Therefore, O'Connells demand such membership list (with emails) copies, other copies and/or inspection of all GLA accounting and member records at a reasonable time in six days Friday June 13, 2014 @ 11AM at the (Bozeman) office of Minnick Management - the GLA agent & designated GLA records holder. At that time, any requested copies should be emailed back to this address [dko@mac.com](mailto:dko@mac.com) to avoid incurring any expenses to hard copy.

Otherwise, there will be a request per § 35-2-909, MCA for a "Court-ordered inspection or corporate records ... at the corporation's expense ... on an expedited basis... also order the corporation to pay the member's costs, including reasonable attorney fees...."

Signed: —  —  —

Daniel O'Connell

Valery O'Connell


**35-2-907. Inspection of records by members.** (1) Subject to 35-2-908(3) and subsection (5) of this section, a member is entitled to inspect and copy, at a reasonable time and location specified by the corporation, any of the records of the corporation described in 35-2-906(5) if the member gives the corporation written notice or a written demand at least 5 business days before the date on which the member wishes to inspect and copy.

(2) Subject to subsection (5), a member is entitled to inspect and copy, at a reasonable time and reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (3) and gives the corporation written notice at least 5 business days before the date on which the member wishes to inspect and copy:

- (a) excerpts from any records required to be maintained under 35-2-906(1), to the extent not subject to inspection under subsection (1);
- (b) accounting records of the corporation; and
- (c) subject to 35-2-910, the membership list.

(3) A member may inspect and copy the records identified in subsection (2) only if:



From: **Daniel O'Connell** dko@mac.com   
Subject: Re: O'Connell 4th written request for GLA membership records/list including emails  
Date: June 11, 2014 at 9:26 PM  
To: Robert Wallace robhw@wispwest.net, Laura Boise lauraboise@wispwest.net, GLA email Box info@glamontana.org, Sheridan Stenberg sheridan.stenberg@gmail.com, Janice McCann mccanns8@gmail.com, Paul Rantallo paulrantallo@mail.com, Robert Branson robranson@bigsky.net, Gerald Dubiel gpDubiel@yahoo.com  
Cc: MHerlinger@brownfirm.com, Seth Cunningham SCunningham@BrownFirm.com, Anna Robertus ARobertus@BrownFirm.com

Date: June 11, 2014, 10PM

(3rd Demand sent June 11, 2014: 2nd Demand sent June 8, 2014: 1st Demand sent May 12, 2014)

From: Dan and Val O'Connell

PO Box 77

Emigrant, MT. 59027

To: GLA Board, council Brown Law Firm, & Minnick Agent

Re: 4th Written Demand for GLA emails & membership list on June 17 or 18, 2014, & response to Brown Law Firm letter of May 23, 2014:

To the above parties,

Within five business days on June 17 or 18, 2014, O'Connells again give written demand to inspect and/or copy "Membership records of the [GLA] Association" that for the following reasons should include email addresses as follows:

GLA Bylaw VIII. I. says, "Inspection of Books. The financial reports and Membership records of the Association shall be available at the principal office of the Association for inspection at reasonable times by any Member."

Under this Bylaw, read in the light the 2012 Settlement agreement, and of allied sections of the state laws cited in three prior demands for records, these "are sufficiently broad to encompass email addresses" in light of the obvious purposes of the statutes. "Even before the advent of the internet and electronic mail, the term "address" was defined as: "[t]he location at which a particular organization or person may be found or reached." (The American Heritage Dictionary (New College ed.1981) p. 15.) An email address fits within this definition because it is a location, albeit an electronic location, at which a person or organization can be reached. Nothing in the statute limits the term "address" to mean only a physical street address. One could not seriously argue that the term excludes post office boxes [not found in the statute language]. An electronic mail address is nothing more than an electronic post office box."\*

Furthermore other corporations in states like California tried to deny its members emails for the same reasons stated in Brown Law Firm letters. But the California State Superior Court Court of Appeals refutes almost identical arguments used by Brown Law's letters to O'Connells, and this appeals court concluded in 2010, "the term "address" as used in statutes is sufficiently broad to include email addresses"\* for membership lists requested by the O'Connells.

(\*Source: WORLDMARK, the Club, Plaintiff and Appellant, v. WYNDHAM RESORT DEVELOPMENT CORPORATION, Defendant and Appellant; Robin Miller, Defendant and Respondent; Clarke Wixon et al., Intervenor and Respondents. No. Co61019. Decided: August 23, 2010, California Appeals Court.)

In their four written requests for membership list, the O'Connells should thus be allowed to at least inspect email records which are used by the GLA and thus part of the "Membership records of the Association."The GLA does keep records that include emails of some of its members, because the O'Connells received one such GLA email list recently to prove it.

To deny O'Connells inspecting/copying these emails as GLA "Membership records" is also costly, unreasonable burden upon the O'Connell members, because emails do not cost money unlike using postal addresses that cost a lot of money, is unreasonable and unnecessary in some cases to contact members.

Please allow this written request for membership records including emails of GLA members, otherwise, there will be a request per § 35-2-909, MCA for a "Court-ordered inspection or corporate records ... at the corporation's expense ... on an expedited basis... also order the corporation to pay the member's costs, including reasonable attorney fees...."

Signed: -

*Daniel K. O'Connell* - *Valery O'Connell* -

Daniel O'Connell

Valery O'Connell

# BROWN LAW FIRM, PC

315 N. 24th Street | PO Drawer 849 | Billings, Montana 59103-0849  
Phone: 406.248.2611 | Fax: 406.248.3128

June 12, 2014

Daniel and Valery O'Connell  
PO Box 77  
Emigrant, MT 59027  
[dko@mac.com](mailto:dko@mac.com)

## Via U.S. Mail and Email

RE: O'Connell v. Glastonbury Landowners Association  
Our File No. 73200.005

Dear Mr. and Ms. O'Connell:

This letter is in response to your email to the Glastonbury Landowner's Association, Inc. (GLA), various Board members, and us dated June 11, 2014, where you repeat your request to inspect GLA records and threaten litigation should the GLA not allow you to inspect any member email addresses it may have. We appreciate your amending your request to comply with the statutorily five business days requirement. Your notice was sent at 10:00 p.m. on June 11, 2014. Business days do not include Saturdays and Sundays. Therefore, the earliest the GLA must make records available to you is June 19, 2014 (five days counting June 12, 13, 16, 17, and 18). The records will be available to you June 19 or 20; please let us know the day and time you wish to inspect.

Your claims regarding your right to access member email addresses are still incorrect. The scope of your inspection rights is governed by Mont. Code Ann. § 35-2-907. The membership list addressed in Title 35, Chapter 2, Part 9 requires only "the names and addresses of all members, in alphabetical order by class, showing the number of votes each member is entitled to cast." Mont. Code Ann. § 35-2-906. Email addresses are not required under this statute, and the GLA does not consider email addresses part of membership records at this time.

Additionally, the membership list prepared under Title 25, Chapter 2, Part 5 does contain "authenticated electronic identification" (email addresses) if that is how notice of member meetings (not board, committee, or other meetings) is given. The two Parts and their requirements are separate and distinct. The GLA does not need to provide email addresses under Part 5 because it does not provide notice of member meetings by email yet. Your request is a bit early because as you know, the GLA just amended its By-laws to allow it to begin collecting and using member email addresses to provide notice of member meetings. When it does begin collecting and using email addresses

John J. Russell  
Michael P. Heringer  
Guy W. Rogers  
Scott G. Gratton  
Kelly J.C. Gallinger  
Matthew I. Tourlotte  
Jeffrey T. McAllister  
Jon A. Wilson  
Seth M. Cunningham  
Shane A. MacIntyre  
Thomas R. Martin  
Andrew J. Miller  
Adam M. Shaw

Retired  
Rockwood Brown  
John Walker Ross  
Margy Bonner

Daniel and Valery O'Connell

June 12, 2014

Page 2

under the newly amended By-laws, you and every other GLA member will be entitled to email addresses.

Since these amendments have just passed, the GLA has not yet began to deliberately collect and use email addresses under this section of the By-laws, and legally you are not yet entitled to them. However, considering that this is the plan, litigating the issue would be a pointless waste of time and money since providing email addresses to members is inevitable once the amended By-laws are implemented. Therefore, the GLA Board has decided to release member emails it has now before it must legally do so to you or any other member who requests them in order to avoid yet another lawsuit.

Please be advised, that while you may inspect these records, the GLA will not provide any more copies under your statutory inspection right until you pay the \$60.00 you owe for the reasonable costs of labor and materials from the last time you requested GLA records.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Heringer", written in a cursive style.

Michael P. Heringer

MPH:amr

# BROWN LAW FIRM, PC

315 N. 24th Street | PO Drawer 849 | Billings, Montana 59103-0849  
Phone: 406.248.2611 | Fax: 406.248.3128

June 17, 2014

Daniel and Valery O'Connell  
PO Box 77  
Emigrant, MT 59027  
[dko@mac.com](mailto:dko@mac.com)

Via U.S. Mail and Email

RE: O'Connell v. Glastonbury Landowners Association  
Our File No. 73200.005

Dear Mr. and Ms. O'Connell:

We are writing you to reschedule your inspection of GLA records set for June 19, 2014 at 1 p.m. at Minnick Management in Bozeman. There have been several developments since our last letter requiring this change. First, the contract with Minnick Management has been terminated. One of the provisions of the contract was that the GLA procure liability insurance and list Minnick Management as an additional insured. As you are aware, the GLA has been unable to find a liability insurer, and as a result the contract with Minnick Management has been terminated.

Second, the GLA planned to have Nathan Minnick prepare its records for transfer this week and return them to the custody of the GLA. Unfortunately, Nathan will not be able to do this due to the tragic and unexpected death of a family member. Because of these circumstances, it cannot be reasonably expected of Nathan to organize and prepare the records for transfer before June 19, and he will not be available on June 19 to help with the inspection.

The plan is to have Nathan Minnick transfer the records to the GLA Treasurer, Janice McCann sometime next week once his family situation allows him to do so. Once the transfer occurs an inspection can be arranged at a convenient time for you.

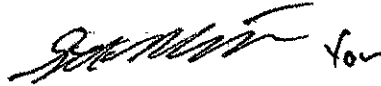
John J. Russell  
Michael P. Heringer  
Guy W. Rogers  
Scott G. Gratton  
Kelly J.C. Gallinger  
Jeffrey T. McAllister  
Jon A. Wilson  
Seth M. Cunningham  
Shane A. MacIntyre  
Thomas R. Martin  
Andrew J. Miller  
Adam M. Shaw

Retired  
Rockwood Brown  
John Walker Ross  
Margy Bonner

Daniel and Valery O'Connell  
June 17, 2014  
Page 2

Finally, because you specifically asked for any email addresses of members that the GLA might have, we have enclosed that list with this letter to fulfill that portion of your inspection request. Once we know for certain the date that the Treasurer will have the GLA records, we will let you know and re-schedule the inspection. We appreciate your anticipated cooperation given these unexpected circumstances.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael P. Heringer", with a small "for" written to the right of the signature.

Michael P. Heringer

MPH:amr  
Enclosure

# BROWN LAW FIRM, PC

315 N. 24th Street | PO Drawer 849 | Billings, Montana 59103-0849  
Phone: 406.248.2611 | Fax: 406.248.3128

July 22, 2014

Daniel and Valery O'Connell  
PO Box 77  
Emigrant, MT 59027  
[dko@mac.com](mailto:dko@mac.com)

Via U.S. Mail and Email

**RE: O'Connell v. Glastonbury Landowners Association  
Our File No. 73200.005**

Dear Mr. and Ms. O'Connell:

This letter is in further response to your email dated July 12, 2014 where you requested that the GLA provide you with all written correspondence between members and the GLA since 2011, all GLA committee member minutes, all GLA Board email votes and Board email meeting minutes since 2011, and all GLA financial records of receipts and expenditures (and profit and loss) since 2011. You demanded these items by email no later than the week of July 21, 2014 which is an arbitrary and unreasonable deadline. We have already responded to your request for all member phone numbers and so this letter will address the remaining requests.

As you well know, the GLA is in the process of transferring its records from Minnick Management to an office space in Emigrant. The board has been diligently working towards renting office space at the Caspari Center, but the space is likely not available until August 15, 2014. Additionally, the board has been preparing and organizing its records for scanning into electronic form (something you have suggested the GLA do). Despite the difficulty of doing so, the GLA has accommodated your requests, and you have had nearly nine hours total of time to inspect and copy records.

Your continual requests for records inspections appear to be calculated to disrupt the GLA's transitioning of its records. Every time you send a request to inspect records, these processes are delayed in order to arrange a meeting space, pull the requested records, and organize them. This costs the GLA time and money. Further, your inspection requests appear calculated to avoid abiding by discovery rules in the lawsuit you filed against the GLA.

Therefore, any future requests need to be made through discovery until the conclusion of litigation. This letter fulfills the GLA's obligation under Mont. R. Civ. P. 26(c)(1) to make a good faith effort to resolve this dispute. Any further "document

John J. Russell  
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Shane A. Macintyre  
Thomas R. Martin  
Andrew J. Miller  
Adam M. Shaw

Retired  
Rockwood Brown  
John Walker Ross  
Margy Bonner

inspection" requests will be responded to with a Motion for a Protective Order by the GLA and a request that the Court order you to pay the expenses incurred in filing the Motion including attorney fees.

The GLA responds to your latest requests as follows:

- 1) All written correspondence between members and the GLA since 2011.

Neither the GLA By-laws nor the Montana Nonprofit Corporation Act require the GLA to provide all written correspondence between the members and the GLA. Additionally, it would be unduly burdensome to do so. The GLA does not maintain separate files for "correspondence." Correspondence sent or received is filed with the documents it is in reference to. For example, newsletters are correspondence and they are filed as "newsletters." Correspondence regarding variance requests is filed with the specific variance file. If correspondence is discussed at board meetings, it is typically filed with the minutes. Thus, responding to this request would require going through every file in the GLA to pull correspondence—clearly overly burdensome. Further, such a request is too broad. Even if you were entitled to inspect correspondence, the Montana Nonprofit Corporation Act requires that you describe documents you want to inspect with "reasonable particularity"—simply asking for "all correspondence" fails to meet this requirement.

- 2) All GLA committee member minutes, especially since 2011.

As has been explained to you before, the committee member minutes are contained within the minutes binders which you have already inspected. Your dissatisfaction how committee minutes are taken is immaterial to the fact that the GLA has produced what it has.

- 3) All GLA board email votes and board email meeting minutes.

As has been explained to you before, the actions of the Board, including the outcome of email votes, are reported at the meetings and are captured in the meeting minutes which you have been given the opportunity to inspect.

- 4) All GLA financial records of receipts and expenditures (and profit and loss) since 2011.

*partial*  
These records were previously provided for your inspection at the inspections on June 28, 2014, and July 8, 2014. Your claim that receipts and expenditures does not exist or has been misnamed because the GLA titles the document "profit and loss" is pointless quibbling. The profit and loss statement shows receipts and expenditures, and you have been given the opportunity to inspect it twice now.



Daniel and Valery O'Connell  
July 22, 2014  
Page 3

As previously agreed, the documents which were provided for your inspection on June 28, 2014 and July 8, 2014 will be provided to you electronically once the GLA has finished having them scanned. It is estimated this will take up to three weeks as there are over 17 years of documents to sort and bundle according to how the GLA wants them scanned. Further document requests will simply delay this work and prompt a request by the GLA for the Court to intervene.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Heringer", followed by the word "for" in a cursive script.

Michael P. Heringer

MPH:amr  
Cc: Alyssa Allen  
Dan Kehoe

From: Daniel O'Connell dko@mac.com  
Subject: Re: 3rd Written Demand for GLA documents since July 16, 2014 & response to GLA/Brown Law Firm letter July 22, 2014  
Date: July 29, 2014 at 3:11 PM  
To: Anna Robertus ARobertus@BrownFirm.com, Robert Wallace robhw@wispwest.net, Laura Boise lauraboise@wispwest.net, GLA email Box info@glamontana.org, Sheridan Stenberg sheridan.stenberg@gmail.com, Janice McCann mccanns8@gmail.com, Paul Rantallo paulrantallo@mail.com, Robert Branson robranson@bigsky.net, Gerald Dubiel gpdubiel@yahoo.com, Denise Orr Kirk denisegla@wispwest.net  
Cc: MHeringer@brownfirm.com, Seth Cunningham SCunningham@BrownFirm.com

Date: July 29, 2014,  
From: Dan and Val O'Connell  
PO Box 77  
Emigrant, MT. 59027  
To: GLA Board, council Brown Law Firm, & Minnick Agent  
Re: Response to GLA/Brown Law Firm letter July 22, 2014 & 3rd Written Demand for GLA documents (1st Demand sent July 16, 2014: 2nd Demand sent July , 2014: 3rd Demand sent today July 29th, 2014)

To the above parties,

#### GLA's Proposed Confidentiality Policy:

The GLA July 16, 2014 letter to all its members has proposed members vote to keep some member records confidential, specifically including: "phone #s, e-mail addresses, member complaint/suggestions to the Board, account balances & communications, & payment plans with members."

However, these member records are not "confidential" and must be made available, because state laws allow corporate members to have these specific membership records. These state laws include, §35-2-114(3)MCA, §35-2-907MCA, & §35-2-906MCA that require the GLA to let its members inspect/copy records such as "addresses" "accounting records" "financial statements" "membership list" "minutes of all meetings" & "resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members."

For instance, the laws cited above allow the following in quotes:

1. O'Connell underlined requests for member "addresses" includes state law term "membership list" and e-mails. (courts found "the term "address" as used in [all state] statutes is sufficiently broad to include email addresses"); as the GLA already complied with.
2. O'Connell's pending requests for GLA account balances in state law is called "accounting records" and "financial statements;"
3. O'Connell's pending requests for GLA "minutes of [GLA] meetings" is named the same in state law & includes all Board meeting minutes such as confidential Board meetings and Board committee minutes;
4. O'Connell's pending requests for GLA communications, & payment plans with members is the same as state laws that allow "resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members."

Thus all these proposed confidential records "e-mail addresses, member complaint/suggestions to the Board, account balances & communications, & payment plans with members" are allowed by state law & thus can not be classified as "confidential member records" as this "confidentiality policy" seeks to do.

#### O'Connells 8th Document Request:

Response to July 22, 2014 GLA/Brown Law Firm letter to O'Connells re: GLA document requests:

As repeatedly said, O'Connells 2014 document requests have nothing to do with discovery for the 114 lawsuit. Your excuse for delay of these document requests is, "the GLA is in the process of transferring its records from Minnick Management to an office space in Emigrant...and you have had nearly nine hours total of time to inspect and copy records" & claiming these requests are somehow hidden "discovery" requiring a "Motion for Protective Order."

On the contrary, the GLA fired Minnick before June 16th, 2014 Board meeting more than 45 days ago. In fact it has been since July 12, 2014 or 12 business days and counting since O'Connells made this document requests. Also many of O'Connell document requests were denied them. For example, they were not allowed any time to inspect/copy "phone #s, member complaint/suggestions to the Board, account balances & communications, & payment plans with members." Waiting many weeks just to inspect any of these documents is unreasonable and contrary to §35-2-906MCA below that requires only 2 business days. These requests were made in writing in good faith & proper purpose as stated on July 12th, & because such documents were missing from the July 12 member inspection. Therefore it is the GLA's actions that removed these documents from inspection that caused the O'Connells to make another request for such documents. So to say the O'Connells are somehow to blame for the GLA's own denial of these requested documents is absurd. But to say this last doc. request is somehow to "avoid discovery rules" and "calculated to disrupt the GLA's transitioning of its records" is absolutely false and malicious claims against the O'Connells.

As proof, the GLA did allow two prior document requests during this Minnick transition time and never made these claims then, so to do so now is a clear attempt to delay and obstruct justice. This is especially true since each of these document requests was denied by the GLA's own actions that were

now shows they are obviously false. This is especially true since again this document requests was caused by the GLA's own actions that now admits the GLA is not capable of complying with inspection of documents within 2 business days, because the GLA until now kept all records in cardboard boxes and refused to convert these member records into a form capable of recovery & conversion within 2 business days contrary to §35-2-906MCA.

§35-2-906MCA, says in part, "(4) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time. (5) A corporation shall keep a copy of the following records at its principal office or a location from which the records may be recovered within 2 business days:" such records as

"(c) resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;"

"(d) the minutes of all meetings of members and the records of all actions approved by the members for the past 3 years;"

"(e) the financial statements available to members for the past 3 years under 35-2-911;" and more.

Again as repeatedly said, O'Connells 2014 document requests have nothing to do with discovery for the 114 lawsuit.

O'Connells are merely exercising their GLA member rights under state laws above to have such requested documents. For the GLA & Brown Law Firm to claim otherwise, it appears they are using such false claims as delay tactics to again deny O'Connell these July 12th requested documents cited above. Now six weeks later and counting, this delay tactic appears to be calculated to allow the GLA time to enact their "confidentiality policy" which policy lists these same exact documents requested in order to claim them as "confidential;" which will likely generate a new lawsuit. This apparent deliberate attempt to deny document request deadlines under state laws in order to allow time to enact this illegal GLA "confidentiality policy", including the threat of a "Motion for Protective Order" are then actionable claims for any new lawsuit against the GLA.

If the GLA does not comply with O'Connells' July 12, 2014 document request (& 3rd notice) by Thursday July 30, 2014, then they will presume that the GLA has for the third time refused such document requests for GLA member: "phone #s, member complaint/suggestions to the Board, member account balances & communications, & payment plans with members."

Sincerely,  
Dan and Val O'Connell



# EXHIBIT 6

July 16, 2014

***Confidentiality Policy to be Developed...  
Your Opinion Wanted!***

Dear Landowner,

The board is planning to develop a confidentiality policy for membership records.

According to State law, a corporation's membership records consist of name, address, number of votes (some members own multiple lots), and class (such as Parcel No. and NG or SG). This basic information is not kept confidential and can be made available to any member upon request. The Bylaws allow members to inspect membership records, and the GLA has interpreted membership records in this provision to mean those records identified by Montana Statute.

Recent legislation requires that if an e-mail address is designated by a member as the official address they wish to use for being notified of member meetings, then this e-mail address would be considered their contact address and therefore would not be kept confidential.

Before drafting a policy that will eventually be sent out to the membership for input prior to adopting, the board would like to hear from you.

The above-described records must be made available to any member in accordance with State law. The following categories are not required by law to be available, and in practice, the GLA has kept this information confidential. However, in the effort to create an updated confidentiality policy, the board would like your opinion about whether or not you believe the following information should be kept confidential:

**Phone numbers**—in practice, the GLA has kept phone numbers confidential, but recent requests for member phone numbers have challenged this practice

**e-mail address** when it is not designated for official notification of member meetings

**Complaints or suggestions** from you to the board

**Account balance** including delinquency communications

**Payment plan** information (if any)

If you have ideas for other information that should be confidential, please let us know.

***Send us your opinion by:***

***e-mail: info@glamontana.org***

***voicemail: 406-451-0033, ext. 101***

Thank-you for your input!

The GLA Board of Directors

*Exhibit 6''*

# **GLA Road Policy**

## **Primary Roads**

The paved roads in both North and South Glastonbury are deemed Primary Roads. These roads receive the greatest amount of funds ongoing, as they are main arteries, with the highest level of traffic, serving the entire Community. All landowners must pass over the paved roads to access their property. The paved roads serve the greatest number of landowners and require a greater share of the assessments that are allocated toward roads. It is the Association's duty to serve the greatest number of landowners.

**Informational Note:** In 2001, the landowners voted to pay for paving the main arterial roads to provide better entry roads to all residents. The road paving loan will be paid in full in 2016. Until then, the Association must pay 35% of its total road budget as a first priority towards this loan. The paved roads will also require ongoing maintenance, periodic chip sealing, crack sealing and repair to the paving. The paved roads will continue to be Primary Roads, receiving first priority in snow plowing and road maintenance expenditures because they serve the greatest number of landowners.

In North Glastonbury the primary roads are the paved portions of Capricorn Drive, Sirius Drive and Aries Drive.

In South Glastonbury the paved road is along Dry Creek Road. Dry Creek is actually a county road but the landowners voted to have the paving done by the Glastonbury Landowners Association, as this was not a priority road for the county, and the county had no plans for Dry Creek to be paved. Although Dry Creek is a county road, the Association will snow plow when it is necessary, as Park County's main priority is plowing only the bus turnaround area. The County will occasionally plow the snow from the paved portion of Dry Creek road in the winter, but this is not consistent, and when they do, they often do not get it done in the early morning hours when many owners need access. The Association will snow plow Dry Creek Road when necessary.

## **Secondary Roads**

Secondary Roads include the main arteries off the paved roads in both North and South Glastonbury. Secondary Roads will receive the next greatest amount of maintenance expenditures and snow plowing priority after the Primary Roads. This is justified because the Secondary Roads provide access to the next greatest number of properties.

In North Glastonbury the Secondary Roads are the unpaved portions of Sirius Drive, Aries Drive and Capricorn Drive, Taurus Road, Venus Way and the beginning of Gemini Road.

In South Glastonbury the Secondary Roads are Arcturus Drive, Leo Lane and Leo Drive. Park County sometimes grades the small portion of Dry Creek Road that is unpaved from the end of the paving to the turn for Hercules Drive. The Association grades this portion of the road when the County fails to do so.

## **Third Tier or Tertiary Roads**

The Tertiary Roads have historically served fewer parcels. Some Tertiary Roads are in the lower elevations and some are in hilly terrain. Tertiary Roads that serve fewer parcels require that the fewer number of assessments collected be stretched over a greater number of miles.

'Exhibit C'

North Glastonbury Tertiary Roads include Aquarius Lane, Jupiter Way, Orion Way, Mercury Way, Pisces Way and a middle portion of Gemini Road.

South Glastonbury Tertiary Roads include Hesperus Lane, Aquila, and Virgo Way.

It is logical that the Primary and Secondary Roads must first be snow plowed in order to reach the Tertiary Roads. Landowners off Tertiary Roads and Fourth or Fifth Tier Roads who desire greater levels of snow removal services or gravel/grading/paving may consider joining with landowners in their areas to form local improvement districts.

#### **Fourth Tier Roads**

Fourth Tier Roads have steep terrain, and can be subject to heavy snowfall, high winds and drifting snow. Some landowners in these areas own their own snowplows. A few have accessed their property by snowshoes or snowmobiles during snowy months. Access to Fourth Tier Roads can be limited by weather, mud, snow, and ice. Four-wheel drive vehicles are generally required for safety and access. The Association's ability to remove snow on Fourth Tier Roads may be limited by available manpower, equipment and financial constraints. Road maintenance, gravel and grading are also limited in these areas due to steep terrain and budget limitations. Landowners accessing off Fourth Tier Roads who desire greater levels of snow removal services or gravel/grading/paving may join with local landowners to form local improvement areas.

Fourth Tier Roads in North Glastonbury include Caspari Way and the upper part of Gemini Road.

Fourth Tier Roads in South Glastonbury include Libra Drive, Scorpio Way, Polaris Way, Sagittarius Place and Hercules Road to the intersection of Sagittarius Place. Hercules Road from Dry Creek to the intersection of Polaris is a Main Arterial serving all residents in High South Glastonbury.

#### **Fifth Tier Roads**

Fifth Tier Roads have steep terrain, and during winter months, are often subject to heavy snowfall, high winds, icy conditions and drifting snow. Because of these conditions, these roads are often inaccessible during the wintertime. Four-wheel drive vehicles are recommended, but may not be adequate for access. Some landowners in these areas own their own snowplows. A few have accessed their property by snowshoes or snowmobiles during snowy months. Access to Fifth Tier Roads is limited by weather, mud, snow, and ice, and the Association's ability to remove snow due to available manpower, equipment and financial constraints. Road maintenance, gravel and grading are also very limited in these areas due to steep terrain and budget limitations. Fifth Tier Roads provide access to the fewest number of parcels. Landowners assessing off Fifth Tier Roads who desire greater levels of snow removal services or gravel/grading/paving may join with local landowners to form local improvement districts.

After the Big Creek Fire in 2006, the loss of trees along the Fifth Tier Roads in this high portion of South Glastonbury has caused significant snow drifting problems and has had significant impact on the Association's ability to remove snow from this area.

Fifth Tier Roads are found only in the highest parts of South Glastonbury including Sagittarius Skyway and the end of Hercules Road beyond Sagittarius Place.



# EXHIBIT 7

6:00 PM  
07/20/14  
Cash Basis

# Glastonbury Landowners Association

## Profit & Loss

January through July 2014

	Jan - Jul 14	% of Budget	% of Invoiced
<b>1020 - Equipment Costs</b>			
1021 - Truck Registration & Insurance	698.00	64.63	
1024 - Truck #2 (93 DODGE) Maintenance	1,676.35	55.85***	
1025 - Fuel	1,118.74	55.94	
1026 - Wages Truck Maintenance	615.00		
<b>Total 1020 - Equipment Costs</b>	<b>4,108.09</b>	<b>67.57</b>	
<b>Total 1000 - Snow Removal</b>	<b>13,485.91</b>	<b>80.83**</b>	<b>100</b>
<b>1030 - Roads &amp; Weeds</b>			
<b>1035 - Contract BiAnnual Grade/Grvl-NG</b>			
1035a - Aquarius Lane	95.00		
1035b - Aries Drive	308.00		
1035c - Capricorn Drive	308.00		
1035f - Gemini Road	441.34		
1035i - Orion Way	753.90		
1035j - Pisces Way	95.00		
1035k - Sirius Drive	1,916.93		
1035l - Taurus Road	1,547.33		
1035m - Venus Way	95.00		
1035n - Mercury Lane	115.00		
1035 - Contract BiAnnual Grade/Grvl-NG - Other	241.11		
<b>Total 1035 - Contract BiAnnual Grade/Grvl-NG</b>	<b>5,916.81</b>		<b>100</b>
<b>1036 - Contract BiAnnual Grade/Gvl-SG</b>			
1036b - Arcturus Drive	2,680.00		
1036g - Hercules Road	6,379.75	*	
1036h - Polaris Way	458.00	*	
1036i - Sagittarius Place	400.00		
1036k - Scorpio Way	770.00		
1036 - Contract BiAnnual Grade/Gvl-SG - Other	26.79		
<b>Total 1036 - Contract BiAnnual Grade/Gvl-SG</b>	<b>10,713.54</b>	*	<b>100</b>
	(9,629)		
1045 - Signs, Posts & Snowfence	437.40	43.74	
1046 - Insurance - Roads/Common Land	5,375.16	97.73	
1050 - Other Road Costs	269.50		
<b>Total 1030 - Roads &amp; Weeds</b>	<b>22,712.21</b>	<b>53.20****</b>	<b>100</b>
		62.1%	
<b>1200 - Parkland/Recreation Center</b>			
1210 - Utilities for Rec Center	123.00	13.67	
<b>Total 1200 - Parkland/Recreation Center</b>	<b>123.00</b>	<b>13.67</b>	<b>100</b>

Exhibit 7

Glastonbury Landowner's Association  
**2009 Budget Variance Report**  
 October 2009

Expense	Jan - Dec 09	Budget	\$ Over Budget	% of Budget
<b>A00. Roads &amp; Weeds</b>				
<b>A02. Contractors - Snow Removal</b>				
A02A. North Glastonbury	555.00			
A02B. South Glastonbury	242.50			
A02C. High South Glastonbury	2,437.50			
A02F. High Sagittarius Skyway	900.00			
A02. Contractors - Snow Removal - Other	0.00	6,500.00	-6,500.00	0.0%
<b>Total A02. Contractors - Snow Removal</b>	<b>4,135.00</b>	<b>6,500.00</b>	<b>-2,365.00</b>	<b>63.6%</b>
A03. Contractors - Weed Contrl	2,208.00	3,200.00	-992.00	69.0%
A05. Equipment Reg & Ins	2,424.60	2,500.00	-75.40	97.0%
<b>A06. Equipment Mtce</b>				
A06. Truck #1	112.50			
A06. Truck #2	20.00			
A06. Equipment Mtce - Other	0.00	1,000.00	-1,000.00	0.0%
<b>Total A06. Equipment Mtce</b>	<b>132.50</b>	<b>1,000.00</b>	<b>-867.50</b>	<b>13.3%</b>
A08. Road Improvement Loan	21,845.81	30,225.00	-8,379.19	72.3%
<b>A09. Administration</b>	<b>214.50</b>			
<b>A11. Miscellaneous</b>				
A11A. Fuel	198.37	800.00	-601.63	24.8%
A11B. Sand	0.00	500.00	-500.00	0.0%
A11C. Sign Posts	202.08			
A11D. New Truck Loan	6,924.62	7,000.00	-75.38	98.9%
A11E. Quonset Hut Asset Expense	1,500.00	5,000.00	-3,500.00	30.0%
A11. Miscellaneous - Other	44.12			
<b>Total A11. Miscellaneous</b>	<b>8,869.19</b>	<b>13,300.00</b>	<b>-4,430.81</b>	<b>66.7%</b>
<b>A12. Contractors - NG Road Wrk</b>				
A12B. Aries Drive	420.00			
A12C. Capricorn Drive	1,320.00			
A12F. Gemini Road	1,298.00			
A12H. Orion Way	180.00			
A12J. Sirius Drive	557.00			
A12K. Taurus Road	812.00			
A12L. Venus Way	1,298.00			
A12W. Mowing North Glastonbury	400.00	310.00	90.00	129.0%
A12X extra applied to chip seal	3,969.00			
A12. Contractors - NG Road Wrk - Other	56.00	10,000.00	-9,944.00	0.6%
<b>Total A12. Contractors - NG Road Wrk</b>	<b>10,310.00</b>	<b>10,310.00</b>	<b>0.00</b>	<b>100.0%</b>
<b>A13. Contractors - SG Road Wrk</b>				
A13B. Arcturus Drive	1,925.00			
A13D. Leo Drive	1,375.00			
A13G. Hercules Road	4,895.00			
A13L. Sagittarius Place	955.00			
A13J. Sagittarius Skyway	1,605.00			
A13W. Mowing South Glastonbury	160.00	310.00	-150.00	51.6%
A13. Contractors - SG Road Wrk - Other	65.00	10,000.00	-9,935.00	0.7%
<b>Total A13. Contractors - SG Road Wrk</b>	<b>10,980.00</b>	<b>10,310.00</b>	<b>670.00</b>	<b>106.5%</b>
A14. Roads/Common Land Ins	5,681.38	5,528.00	153.38	102.8%
A15. Contingency Fund	0.00	1,500.00	-1,500.00	0.0%
<b>Total A00. Roads &amp; Weeds</b>	<b>66,800.98</b>	<b>84,373.00</b>	<b>-17,572.02</b>	<b>79.2%</b>
<b>A12. NG Chip Sealing 2009</b>	<b>117,907.71</b>			
<b>B00. Project Review</b>				
B01. Contractors	525.00	500.00	25.00	105.0%
B03 Sanitation Bond Refunds	500.00			
B04. Administration	0.00	175.00	-175.00	0.0%
<b>Total B00. Project Review</b>	<b>1,025.00</b>	<b>675.00</b>	<b>350.00</b>	<b>151.9%</b>
<b>C00-1 Legal Fees Contingency Fu</b>	<b>575.00</b>	<b>4,000.00</b>	<b>-3,425.00</b>	<b>14.4%</b>

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Glastonbury Landowner's Association  
**2010 Budget Variance Report**  
**March 2010**

	Jan - Dec 10	Budget	\$ Over Budget	% of Budget
A08. Road Improvement Loan	7,556.32	30,225.00	-22,668.68	25.0%
A09. Administration	0.00	155.00	-155.00	0.0%
A11. Miscellaneous				
A11A. Fuel	0.00	800.00	-800.00	0.0%
A11B. Sand	0.00	500.00	-500.00	0.0%
A11E. Quonset Hut Asset Expense	0.00	3,500.00	-3,500.00	0.0%
A11. Miscellaneous - Other	44.01			
Total A11. Miscellaneous	44.01	4,800.00	-4,755.99	0.9%
A12. Contractors - NG Road Wrk				
A12B. Aries Drive	509.00			
A12C. Capricorn Drive	509.00			
A12F. Gemini Road	509.00			
A12J. Sirius Drive	510.00			
A12K. Taurus Road	509.00			
A12L. Venus Way	509.00			
A12W. Mowing North Glastonbury	0.00	300.00	-300.00	0.0%
A12X. Payback general fund	0.00	10,000.00	-10,000.00	0.0%
A12. Contractors - NG Road Wrk - Other	0.00	4,000.00	-4,000.00	0.0%
Total A12. Contractors - NG Road Wrk	3,055.00	14,300.00	-11,245.00	21.4%
A13. Contractors - SG Road Wrk				
A13B. Arcturus Drive	650.00			
A13D. Leo Drive	400.00			
A13E. Leo Lane	250.00			
A13G. Hercules Road	1,600.00			
A13W. Mowing South Glastonbury	0.00	300.00	-300.00	0.0%
A13. Contractors - SG Road Wrk - Other	0.00	14,000.00	-14,000.00	0.0%
Total A13. Contractors - SG Road Wrk	2,900.00	14,300.00	-11,400.00	20.3%
A14. Roads/Common Land Ins	0.00	5,528.00	-5,528.00	0.0%
A15. Contingency Fund	0.00	2,000.00	-2,000.00	0.0%
Total A00. Roads & Weeds	15,477.33	83,008.00	-67,530.67	18.6%
A12. ChSeal Investor2010pymt	0.00	19,798.91	-19,798.91	0.0%
B00. Project Review				
B01. Contractors	0.00	2,600.00	-2,600.00	0.0%
B03 Sanitation Bond Refunds	250.00			
B04. Administration	0.00	725.00	-725.00	0.0%
Total B00. Project Review	250.00	3,325.00	-3,075.00	7.5%
C00-1 Legal Fees Contingency Fu	0.00	3,000.00	-3,000.00	0.0%
C00. Community/Complaints				
C01. Contractors	0.00	1,800.00	-1,800.00	0.0%
C04. Legal Fees	0.00	870.00	-870.00	0.0%
C05. Miscellaneous/copies	0.00	175.00	-175.00	0.0%
Total C00. Community/Complaints	0.00	2,845.00	-2,845.00	0.0%
COO-2 Gen Op/Subcontractors				
COO-2.01 Gen. Managerial Duties	0.00	1,800.00	-1,800.00	0.0%
COO-2.02 Virtual Message/phone	0.00	700.00	-700.00	0.0%
COO-2.03 Virtual Message set-up	179.45	1,500.00	-1,320.55	12.0%
COO-2.04 copies & postage	0.00	175.00	-175.00	0.0%
Total COO-2 Gen Op/Subcontractors	179.45	4,175.00	-3,995.55	4.3%
D00. Recreation				
D03. PVRC				
D03A. PVRC Electricity	75.30	600.00	-524.70	12.6%
D03B. PVRC Liability Insurance	0.00	250.00	-250.00	0.0%
D03C. Mowing Weeds	0.00	100.00	-100.00	0.0%
D03D. Lawn Mower Maint.	0.00	240.00	-240.00	0.0%
D03F. Cement Pad	0.00	500.00	-500.00	0.0%
D03G. Gen. Maint. & Repairs	0.00	300.00	-300.00	0.0%
Total D03. PVRC	75.30	1,990.00	-1,914.70	3.8%
Total D00. Recreation	75.30	1,990.00	-1,914.70	3.8%

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10/05/12  
Cash Basis

**Glastonbury Landowner's Association**  
**Profit & Loss**  
January through December 2011

	Jan - Dec 11
501. Savings Interest	76.03
Total 500. Interest Earned	76.03
700. Other Income	
701. Miscellaneous	350.00
Total 700. Other Income	350.00
800. NG Chlp Seal Income	
803. ChlpSeal- 5 payments/dwel	17,617.04
804. ChlpSeal-5 payments/land	3,197.58
805. ChlpSeal GAV- 5 payments	3,103.00
Total 800. NG Chlp Seal Income	23,917.62
Total Income	166,509.70
Expense	
A00. Roads & Weeds	
A02. Contractors - Snow Removal	
A02A. North Glastonbury	829.47
A02B. South Glastonbury	1,314.35
A02C. High South Glastonbury	9,661.50
A02G. Dry Creek	901.25
Total A02. Contractors - Snow Removal	12,706.57
A03. Contractors - Weed Contrl	1,849.50
A05. Equipment Reg & Ins	2,360.00
A06. Equipment Mtce	
A06. Truck #1	578.08
A06. Truck #2	785.97
Total A06. Equipment Mtce	1,364.05
A08. Road Improvement Loan	30,225.28
A09. Administration	540.00
A11. Miscellaneous	
A11A. Fuel	363.00
A11B. Sand	125.00
A11C. Sign Posts	4,335.79
A11E. Quonset Hut Asset Expense	341.14
A11. Miscellaneous - Other	70.00
Total A11. Miscellaneous	5,234.93
A12. Contractors - NG Road Wrk	
A12B. Aries Drive	1,003.00
A12C. Capricorn Drive	1,490.00
A12F. Gemini Road	820.00
A12I. Pisces Way	535.00
A12J. Sirius Drive	1,662.00
A12K. Taurus Road	1,129.00
A12L. Venus Way	535.00
A12W. Mowing North Glastonbury	400.00
A12Y. ChSeal Investors payments	
Chip Seal investor#1	0.00
Chip Seal investor#2	4,619.50
Chip Seal investor#3	1,154.87
A12Y. ChSeal Investors payments - Other	4,033.53
Total A12Y. ChSeal Investors payments	9,807.90
Total A12. Contractors - NG Road Wrk	17,381.90
A13. Contractors - SG Road Wrk	
A13B. Arcturus Drive	3,392.50
A13D. Leo Drive	2,435.00
A13E. Leo Lane	270.00
A13G. Hercules Road	2,520.00
A13W. Mowing South Glastonbury	325.00
Total A13. Contractors - SG Road Wrk	8,942.50

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2012

	<u>Jan - Dec 12</u>
A12H. Orion Way	369.16
A12I. Pisces Way	879.33
A12J. Sirius Drive	747.50
A12K. Taurus Road	980.51
A12L. Venus Way	571.33
A12R. NG Crack Sealing	14,000.00
A12Y. ChSeal Investors payments	
Chip Seal Investor#2	4,619.50
Chip Seal Investor#3	1,154.87
Chip Seal Investor#5	6,945.75
Total A12Y. ChSeal Investors payments	<u>12,720.12</u>
Total A12. Contractors - NG Road Wrk	37,375.12
A13. Contractors - SG Road Wrk	
A13B. Arcturus Drive	3,602.50
A13E. Leo Lane	1,107.50
A13G. Hercules Road	3,606.66
A13J. Sagittarius Skyway	1,106.67
A13K. Scorpio Way	336.67
Total A13. Contractors - SG Road Wrk	<u>9,760.00</u>
A14. Roads/Common Land Ins	5,375.16
A16. Employee Expenses	
A16.A MontananState Fund	394.36
A16.B I.R.S.	143.60
A16C. Department of Revenue MT	2.00
Total A16. Employee Expenses	<u>539.96</u>
Total A00. Roads & Weeds	93,264.67
B00. Project Review	
B01. Contractors	405.00
Total B00. Project Review	<u>405.00</u>
C00-1 Legal Fees Contingency Fu	
C00-1 A General Legal /Services	1,402.50
C00-1 B O'Connell Lawsuit	24,198.70
Total C00-1 Legal Fees Contingency Fu	<u>25,601.20</u>
C00-2 Gen Op/Subcontractors	
C00-2.01 Gen. Managerial Duties	6,835.00
C00-2.02 Virtual Message/phone	179.40
Total C00-2 Gen Op/Subcontractors	<u>7,014.40</u>
C00. Community/Complaints	
C01. Contractors	75.00
Total C00. Community/Complaints	<u>75.00</u>
D00. Recreation	
D03. Parkland/Recreation	
D03A. Parkland Electricity	651.09
Total D03. Parkland/Recreation	<u>651.09</u>
D06. Miscellaneous	85.00
Total D00. Recreation	<u>736.09</u>
F00. Website	
F03. Software	85.40

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2012

	<u>Jan - Dec 12</u>
205. IF - Well	75.00
206. IF - Driveway	150.00
207. IF - Septic	225.00
209. IF - Mobile Home	150.00
213. IF - Minor Variance	50.00
218. Mileage Impact Fee	410.00
Total 200. Project Review Fees	<u>3,460.00</u>
300. Roads	
301. CUT - Road Paving Loan	1,109.86
Total 300. Roads	<u>1,109.86</u>
400. Liens	
401. Landowner Filing Fee	734.82
Total 400. Liens	<u>734.82</u>
500. Interest Earned	
501. Savings Interest	151.63
Total 500. Interest Earned	<u>151.63</u>
700. Other Income	
701. Miscellaneous	329.80
Total 700. Other Income	<u>329.80</u>
800. NG Chip Seal Income	
803. ChipSeal- 5 payments/dwel	19,057.44
804. ChipSeal-5 payments/land	2,470.00
805. ChipSeal GAV- 5 payments	3,103.00
Total 800. NG Chip Seal Income	<u>24,630.44</u>
Total Income	169,986.28
Expense	
A00. Roads & Weeds	
A02. Contractors - Snow Removal	
A02A. North Glastonbury	1,417.79
A02B. South Glastonbury	270.88
A02C. High South Glastonbury	2,353.75
Total A02. Contractors - Snow Removal	<u>4,042.42</u>
A03. Contractors - Weed Contrl	2,568.20
A05. Equipment Reg & Ins	1,313.00
A06. Equipment Mtce	
A06. Truck #1	1,137.27
Total A06. Equipment Mtce	<u>1,137.27</u>
A08. Road Improvement Loan	30,225.28
A11. Miscellaneous	
A11A. Fuel	463.18
A11B. Sand	150.00
A11C. Sign Posts	315.08
Total A11. Miscellaneous	<u>928.26</u>
A12. Contractors - NG Road Wrk	
A12B. Aries Drive	672.50
A12C. Capricorn Drive	707.50
A12F. Gemini Road	677.17
A12G. Jupiter Way	5,050.00

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2012

	<u>Jan - Dec 12</u>
A12H. Orion Way	369.16
A12I. Pisces Way	879.33
A12J. Sirius Drive	747.50
A12K. Taurus Road	980.51
A12L. Venus Way	571.33
A12R. NG Crack Sealing	14,000.00
A12Y. ChSeal Investors payments	
Chip Seal Investor#2	4,619.50
Chip Seal Investor#3	1,154.87
Chip Seal Investor#5	6,945.75
Total A12Y. ChSeal Investors payments	<u>12,720.12</u>
Total A12. Contractors - NG Road Wrk	37,375.12
A13. Contractors - SG Road Wrk	
A13B. Arcturus Drive	3,602.50
A13E. Leo Lane	1,107.50
A13G. Hercules Road	3,606.66
A13J. Sagittarius Skyway	1,106.67
A13K. Scorpio Way	336.67
Total A13. Contractors - SG Road Wrk	<u>9,760.00</u>
A14. Roads/Common Land Ins	5,375.16
A16. Employee Expenses	
A16.A MontananState Fund	394.36
A16.B I.R.S.	143.60
A16C. Department of Revenue MT	2.00
Total A16. Employee Expenses	<u>539.96</u>
Total A00. Roads & Weeds	93,264.67
B00. Project Review	
B01. Contractors	405.00
Total B00. Project Review	<u>405.00</u>
C00-1 Legal Fees Contingency Fu	
C00-1 A General Legal /Services	1,402.50
C00-1 B O'Connell Lawsuit	24,198.70
Total C00-1 Legal Fees Contingency Fu	<u>25,601.20</u>
C00-2 Gen Op/Subcontractors	
C00-2.01 Gen. Managerial Duties	6,835.00
C00-2.02 Virtual Message/phone	179.40
Total C00-2 Gen Op/Subcontractors	<u>7,014.40</u>
C00. Community/Complaints	
C01. Contractors	75.00
Total C00. Community/Complaints	<u>75.00</u>
D00. Recreation	
D03. Parkland/Recreation	
D03A. Parkland Electricity	651.09
Total D03. Parkland/Recreation	<u>651.09</u>
D06. Miscellaneous	85.00
Total D00. Recreation	<u>736.09</u>
F00. Website	
F03. Software	85.40



## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2010

	Jan - Dec 10
401. Landowner Filing Fee	150.00
<b>Total 400. Liens</b>	<b>150.00</b>
500. Interest Earned	
501. Savings Interest	64.56
<b>Total 500. Interest Earned</b>	<b>64.56</b>
700. Other Income	
701. Miscellaneous	736.02
703. Website Reality Listing	15.00
708. Sale of computer	1,100.00
<b>Total 700. Other Income</b>	<b>1,851.02</b>
800. NG Chip Seal Income	
801. Chip Seal-1 payment/dwell	847.75
803. ChipSeal- 5 payments/dwel	15,326.99
804. ChipSeal-5 payments/land	2,787.42
805. ChipSeal GAV- 5 payments	3,103.00
<b>Total 800. NG Chip Seal Income</b>	<b>22,065.16</b>
<b>Total Income</b>	<b>149,598.28</b>
<b>Expense</b>	
A00. Roads & Weeds	
A02. Contractors - Snow Removal	
A02A. North Glastonbury	4,622.25
A02B. South Glastonbury	1,652.50
A02C. High South Glastonbury	4,731.00
A02G. Dry Creek	352.50
<b>Total A02. Contractors - Snow Removal</b>	<b>11,358.25</b>
A03. Contractors - Weed Contrl	2,126.00
A05. Equipment Reg & Ins	2,939.50
A06. Equipment Mtce	
A06. Truck #2	440.00
<b>Total A06. Equipment Mtce</b>	<b>440.00</b>
A08. Road Improvement Loan	30,225.28
A09. Administration	44.01
A11. Miscellaneous	
A11A. Fuel	614.58
A11E. Quonset Hut Asset Expense	5,400.00
A11. Miscellaneous - Other	600.00
<b>Total A11. Miscellaneous</b>	<b>6,614.58</b>
A12. Contractors - NG Road Wrk	
A12A. Aquarius Lane	500.00
A12B. Aries Drive	924.00
A12C. Capricorn Drive	2,409.00
A12F. Gemini Road	1,479.00
A12H-1. Orion Way Flood	950.00
A12H. Orion Way	300.00
A12I. Pisces Way	200.00

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2010

Jan - Dec 10

A12J. Sirius Drive	930.00
A12K. Taurus Road	1,429.00
A12L. Venus Way	1,209.00
A12Y. ChSeal Investors payments	
Chip Seal Investor#1	4,033.54
Chip Seal Investor#2	4,619.50
Chip Seal Investor#3	1,154.87
Chip Seal Investor#4	10,000.00
Total A12Y. ChSeal Investors payments	19,807.91
A12. Contractors - NG Road Wrk - Other	4,435.00
Total A12. Contractors - NG Road Wrk	34,572.91
A13. Contractors - SG Road Wrk	
A13B. Arcturus Drive	5,670.00
A13D. Leo Drive	1,100.00
A13E. Leo Lane	510.00
A13G. Hercules Road	5,375.00
A13J. Sagittarius Skyway	950.00
A13. Contractors - SG Road Wrk - Other	5,665.00
Total A13. Contractors - SG Road Wrk	19,270.00
A14. Roads/Common Land Ins	5,472.14
A15. Contingency Fund	324.00
A00. Roads & Weeds - Other	-324.00
Total A00. Roads & Weeds	113,062.67
B00. Project Review	
B01. Contractors	412.50
B03 Sanitation Bond Refunds	1,577.50
Total B00. Project Review	1,990.00
C00-2 Gen Op/Subcontractors	
C00-2.01 Gen. Managerial Duties	635.00
C00-2.02 Virtual Message/phone	179.45
C00-2.03 Office Equipment	1,099.00
Total C00-2 Gen Op/Subcontractors	1,913.45
C00. Community/Complaints	
C03. Administration	211.00
C04. Legal Fees	267.50
Total C00. Community/Complaints	478.50
D00. Recreation	
D03. Parkland/Recreation	
D03A. Parkland Electricity	504.08
D03G. Gen. Maint. & Repairs	85.32
Total D03. Parkland/Recreation	589.40
D06. Miscellaneous	75.00
Total D00. Recreation	664.40
F00. Website	
F01. Contractors - Dev & Mtce	150.00

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2011

	Jan - Dec 11
203. IF - Structures 200/800sf	350.00
204. IF - Structures Over 800sf	200.00
205. IF - Well	75.00
206. IF - Driveway	225.00
207. IF - Septic	150.00
209. IF - Mobile Home	150.00
213. IF - Minor Variance	50.00
214. IF - Major Variance	300.00
218. Mileage Impact Fee	950.00
Total 200. Project Review Fees	3,975.00
300. Roads	
301. CUT - Road Paving Loan	1,306.89
303. Snowplowing	30.00
Total 300. Roads	1,336.89
400. Liens	
401. Landowner Filing Fee	325.00
Total 400. Liens	325.00
500. Interest Earned	
501. Savings Interest	76.03
Total 500. Interest Earned	76.03
700. Other Income	
701. Miscellaneous	350.00
Total 700. Other Income	350.00
800. NG Chip Seal Income	
803. ChipSeal- 5 payments/dwel	17,617.04
804. ChipSeal-5 payments/land	3,197.58
805. ChipSeal GAV- 5 payments	3,103.00
Total 800. NG Chip Seal Income	23,917.62
Total Income	166,509.70
Expense	
A00. Roads & Weeds	
A02. Contractors - Snow Removal	
A02A. North Glastonbury	829.47
A02B. South Glastonbury	1,314.35
A02C. High South Glastonbury	9,661.50
A02G. Dry Creek	901.25
Total A02. Contractors - Snow Removal	12,706.57
A03. Contractors - Weed Contrl	1,849.50
A05. Equipment Reg & Ins	2,360.00
A06. Equipment Mtce	
A06. Truck #1	578.08
A06. Truck #2	785.97
Total A06. Equipment Mtce	1,364.05
A08. Road Improvement Loan	30,225.28
A09. Administration	540.00

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2011

Jan - Dec 11

<b>A11. Miscellaneous</b>	
A11A. Fuel	363.00
A11B. Sand	125.00
A11C. Sign Posts	4,335.79
A11E. Quonset Hut Asset Expense	341.14
A11. Miscellaneous - Other	70.00
<b>Total A11. Miscellaneous</b>	<b>5,234.93</b>
<b>A12. Contractors - NG Road Wrk</b>	
A12B. Aries Drive	1,003.00
A12C. Capricorn Drive	1,490.00
A12F. Gemini Road	820.00
A12I. Pisces Way	535.00
A12J. Sirius Drive	1,662.00
A12K. Taurus Road	1,129.00
A12L. Venus Way	535.00
A12W. Mowing North Glastonbury	400.00
A12Y. ChSeal Investors payments	
Chip Seal Investor#1	0.00
Chip Seal Investor#2	4,619.50
Chip Seal Investor#3	1,154.87
A12Y. ChSeal Investors payments - Other	4,033.53
<b>Total A12Y. ChSeal Investors payments</b>	<b>9,807.90</b>
<b>Total A12. Contractors - NG Road Wrk</b>	<b>17,381.90</b>
<b>A13. Contractors - SG Road Wrk</b>	
A13B. Arcturus Drive	3,392.50
A13D. Leo Drive	2,435.00
A13E. Leo Lane	270.00
A13G. Hercules Road	2,520.00
A13W. Mowing South Glastonbury	325.00
<b>Total A13. Contractors - SG Road Wrk</b>	<b>8,942.50</b>
<b>A14. Roads/Common Land Ins</b>	<b>5,406.28</b>
<b>A16. Employee Expenses</b>	
A16.A MontananState Fund	390.34
<b>Total A16. Employee Expenses</b>	<b>390.34</b>
<b>Total A00. Roads &amp; Weeds</b>	<b>86,401.35</b>
<b>B00. Project Review</b>	
B01. Contractors	3,100.00
B03 Sanitation Bond Refunds	1,150.00
B05. Legal Fees	2,881.75
<b>Total B00. Project Review</b>	<b>7,131.75</b>
<b>C00-1 Legal Fees Contingency Fu</b>	
C00-1 A General Legal /Services	1,214.50
C00-1 B O'Connell Lawsuit	7,950.80
<b>Total C00-1 Legal Fees Contingency Fu</b>	<b>9,165.30</b>
<b>C00-2 Gen Op/Subcontractors</b>	

# EXHIBIT 8

Robert Branson

Ross Brunson

Mary Irwin

Miriam Barker

Ombudsman - North

Ombudsman - South

## Glastonbury Landowner's Association Committees

Committee	Chair	Members
Communications	Alyssa Allen/Robert Branson	Ross Brunson, Laura Boise
Road Management	Sheridan Stenberg/Robert Wallace	Paul Ranttalo, Gerald Dubiel, Janice McCann, Walter Wunsch
Road/Weed	Robert Wallace	Gerald Dubiel, Paul Ranttalo, Sheridan Stenberg, Janice McCann
Project Review	Robert Branson/Gerald Dubiel	Alyssa Allen, Paul Ranttalo
Election	Sheridan Stenberg	Laura Boise
Budget	Sheridan Stenberg	Janice McCann, Laura Boise
Governing Documents	Dan Kehoe/Chad Stone	Alyssa Allen, Scott McBride, Ross Brunson
Web Services	Ross Brunson	Alyssa Allen, Scott McBride

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**

August 8, 2011

*FINAL*

**CONFIDENTIAL – DO NOT COPY**

**1. Call to order**

The meeting was called to order by Richard Bolen at 7:10 p.m. at St. John's Church.

**PRESENT:** Richard Bolen (President) aka Richard, Janet Naclerio (Secretary), Sheridan Stenberg (Treasurer), Alyssa Allen, Gerald Dubiel, Neil Kremer, Daniel O'Connell, Clare Parker, Paul Ranttalo, William Smith, and Rich Spallone (aka Rich).

**ABSENT:** Laura Boise (Vice President).

**ALSO ATTENDING:** Charlene Murphy (Meeting Assistant), Denise Orr Kirk (Meeting Assistant after Agenda Item #3), Tim Brockett and Val O'Connell.

**2. Set Agenda**

Daniel requested an addition to the agenda: 8.4 PVRC lawnmower.

**3. Meeting Minutes**

**3.1 Discuss Meeting Minute-Taker – AA**

Alyssa explained that Charlene recently started working full time at another job and is unable to continue to take the meeting minutes. Denise Orr Kirk is willing to take the minutes until a replacement is found. Discussion.

**MOTION:** Whereas Charlene is no longer available to take meeting minutes through Pegasus Business Visions Inc., Alyssa motioned and Sheridan seconded that the Board hire Denise Orr Kirk for this position. **Motion carried unanimously.**

**Note:** At this point Charlene passed the minute-taking to Denise but remained in attendance for the rest of the meeting.

**3.2 Review Process for Drafting & Distributing Meeting Minutes to Board & Landowners – JN/AA**

Janet gave a report regarding the process used for drafting meeting minutes due to Daniel's questioning of the process. Denise added that the process currently being used has been developed over the years for practicality and efficiency. It was reviewed that guidelines developed by the Board regarding what should be contained in the minutes are followed in drafting the minutes document, and any initial edits are minimal and are done for legal purposes as well as for accuracy, punctuation and grammar. Meeting content, motions, etc. are not altered, and this initial editing process minimizes the extra work that would be involved in having duplicate edits from various Board members.

**4. Approve June 13, 2011, June 27, 2011 & July 14, 2011 Meeting Minutes. Tabled.**

Discussion. Daniel asked the Board to review a document he created with his edits to the June minutes. He expressed that more details of discussion items should have been contained in the minutes such as the details of opposing views. In addition, Daniel motioned (no one seconded his motion) to follow an option in the Bylaws that allows the officer position of Secretary to be filled by a non-board member so that whoever becomes the Minute-taker in the future would also become the Secretary. He withdrew the motion.

**5. Treasurer's Reports – Budget Variance, Check & Deposit – SS**

**5.1 2010/2011 - Snow Plowing Procedure and Expenses - DKO**

Daniel contended that the Road and Weed Committee acted wrongfully by allowing snowplowing efforts to continue in High South Glastonbury during the November and winter storms after the snowplowing budget had been spent. The other members of the Board responded to Daniel's position as follows: (a) the Road and Weed Committee acted appropriately by snowplowing, given the circumstances of the intense and unusual snow season, even though it meant exceeding the snowplow budget. (b) Rich reviewed

*"Exhibit 8"*

**Glastonbury Landowners Association, Inc.  
Board of Directors Meeting Minutes**

**January 10, 2011**

**FINAL**

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November 2010 blizzard. She pointed out how in the past, we have been able to cover these unforeseen expenses by taking funds from other budgeted administrative areas. However, this was only possible because there were volunteers handling these administrative duties, and it has become evident that we can no longer rely on volunteers with the required skills and availability to perform this type of work. The Board discussed the need to retain budgeted funds for administrative duties and to use the special assessment option to cover unforeseen expenses.

**ACTION ITEM: Managerial Committee** – In the January newsletter, introduce the idea of a special assessment to cover unforeseen snow removal costs and other emergency situation costs. This will also be used to replenish reserve funds that had been set aside for future snow removal expenses.

**ACTION ITEM: Managerial Committee** – Draft a proposal for a special assessment/snow removal contingency fund and list services that would be cut if a special assessment is not approved by Landowners. Bring proposal to February Board meeting.

**ACTION ITEM: Richard** – Review the GLA's Covenants & Bylaws to determine and list the GLA's required services to Landowners.

**7.1.3 Clarify Telephone Tree Management / Messaging Service – LB**

The Board discussed that there needs to be an organized management team to perform the many tasks associated with the GLA communicating messages to Landowners via the Telephone Tree (sent out by Maydell Goulart).

**ACTION ITEM: Managerial Committee** – Draft a job description and recommend a job assignment for managing the messages that the GLA will send through the Telephone Tree sent out by Maydell Goulart. Bring proposal to February 7 Board Meeting.

**7.2 Roads & Weeds Committee – WS/RS**

**7.2.1 Snowplowing Authorization Process –WS.**

The Board discussed reasons to document the process/procedure which the Road Committee uses as a guideline when authorizing snowplowing contractors to do snow removal.

**ACTION ITEM: Managerial & Road Committee** – Draft a procedure to budget, select, and authorize independent snow removal contractors.

**ACTION ITEM: Managerial Committee** – Review and assess Road Committee plan for snow removal to determine cost effective procedures and efficient communication.

**7.2.2 Michael Koltonow Snowplowing Concerns – WS**

The GLA recently received a call from Michael Koltonow, who expressed his concerns about how the GLA administered snow plowing. Rich reported that he spoke with Michael and clarified the GLA's snow removal strategy and how it was based on resources and manpower. Rich reported that Michael gained a better understanding of how the GLA worked and was satisfied with the job the GLA snowplowing contractors were doing.

**7.3 Community Committee – RB/LB**

**7.3.1 GLA Emergency Preparedness Subcommittee – WS/LB**

**7.3.1.1 Discuss GLA Emergency Preparedness Process**

Discussion points included:

"Exhibit 8" pg 2



**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**

February 21, 2011

**FINAL**

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**7.2.1.1 Review proposal for procedures re: snow removal contractors –Road & Managerial Committees**

**a) New Procedure for Snow Contractors**

To clarify the GLA's relationship with snow contractors and prevent misunderstandings between the GLA and the same, Richard proposed that prior to taking on any job for the GLA, a contractor must first acquire a GLA contract/agreement form signed by the Road Committee Chairs and by the contractor. The form would authorize the details of a specific job (ie designated location and time frame) and conditions of payment for that job, etc. Contractors would be required to include the form with their bill. Prior to payment, at least 2 GLA Board members (Committee Chairs?) would need to review and approve payment. The Treasurer will have a file for each Independent contractor that contains all necessary information regarding the contractor (ie. workman's comp exempt status, tax ID numbers, etc.)

**ACTION ITEM: Charlene - (Acting as volunteer secretary for the Road Committee) - Draft a contractor authorization/agreement form and submit to Managerial Committee for formatting/finalization.**

**ACTION ITEM: Managerial Committee – Finalize contractor job authorization/agreement form and submit to Richard and Road Committee for final approval.**

**ACTION ITEM: Managerial Committee – Document new procedures for contractors and job authorization/agreement forms**

**b) Contractor who billed the GLA without authorization**

Rich reported that billing protocol had been broken when a contractor, Steve Sirios billed the GLA for snow removal work but had not received authorization to do the job. Steve had been informed of the GLA's policy regarding authorization.

**ACTION ITEM: Sheridan – Call Steve Sirios tomorrow. Give copy of Steve's bill to Richard Bolen.**

**ACTION ITEM: Richard – Draft a letter to Steve stating that he needs prior approval to remove snow and must submit a signed authorization form prior to working for the GLA. Give draft to Management Committee for finalization and mailing.**

**7.2.1.2 Report on research re: Road Committee plan for snow removal – Road & Managerial Committees**  
Discussion. See above.

**7.4 Community Committee – RB/LB**

**7.4.1 GLA Emergency Preparedness Subcommittee WS/LB**

**7.4.1.1 Review January 26 Emergency Preparedness Meeting – WS/LB.**  
Tabled.

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**

**February 21, 2011**

**FINAL**

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**7.4.1.2 Review and vote on proposal for special assessment for snow removal/contingency fund – AA**

Discussion points included: (1) Snow removal in January 2011 has already spent the entire year's snow removal budget. (2) In order to proceed with a Special Assessment needed to cover the unusually high snow removal expenses for this winter season, a letter must be drafted and mailed out with a ballot asking for Landowner approval of the proposed special assessment. (3) Suggestion that the special assessment be \$50.00 per assessment with owners in High South (accessed by Hercules Road) paying a double assessment. This would bring in approximately \$35,000. Special Assessments funds would be set aside for snow removal and road repair only. (4) Road Committee reported that the roads will be potholed and damaged by this season's heavy snow fall since this creates a lot of moisture on the road that cannot be absorbed by the frozen surface below. (5) Rich believes \$35,000 is needed to pay for snow removal, repairs and for reserve for future weather emergencies. (6) The amount of the special assessment must be well justified. If the vote fails to pass it, the GLA will need to raise the assessments 10% in 2012's budget. This 10% would be about \$12,000. (7) The GLA spent more than \$12,000 in just the Thanksgiving storm.

**Motion:** Alyssa motioned and Gerald seconded to proceed with the special assessment of \$50 per assessment and double this amount in High South. Denise will draft the special letter with input from the Managerial Committee, the Road Committee, the Treasurer and Bookkeeper. The letter will give the facts and figures to justify the amount being requested. The special meeting required for Landowner comment regarding the special assessment will be held at the earliest possible time depending on when this letter/ballot is mailed. **Motion carried unanimously.**

**ACTION ITEM:** *Denise w/Managerial & Road Committees, Treasurer and Bookkeeper* – Draft special assessment letter.

**7.4.1.3 Discuss telephone tree management / messaging service for emergencies – LB**

Discussion.

**Procedure for Telephone Trees:** One person will work with the Managerial & Road Committee to compose the emergency telephone trees. When the trees are completed, Clare will be the contact person to work with Maydell Goulart, who calls out the trees,

**7.4.1.4 Discuss procedure for communication between the GLA & contractors/helpers during emergencies – Road & Management Committees**

Discussion. This topic was covered to some extent in 7.2.1.1, the rest was tabled.

**8. Comment Period for Visiting Landowners**

**9. Adjournment 9:30 p.m.**

**10. Next Board Meeting: March 14, 2011, 6:45 p.m. at St. John's Church**

**March 2011: No meeting**

From: **Clare Parker** clareparker@ipara.org  
Subject: Re: Response to Tim Brocket's paper  
Date: May 25, 2011 at 6:34 PM  
To: Daniel O'Connell dko@mac.com

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Daniel,

Thanks for giving a detailed response. I believe we are in agreement.

It occurred to me that in 22 years I have not experienced any problem with paying for roads in High South. Now we are told that High South ate up 85% of the road budget. I would like to find out what High South regularly takes from the road budget. I have a feeling it is still too high of a percentage.

People complain that Glastonbury roads are under maintained. If too much is being spent on High South, people will say that is the reason their roads are under maintained, and we may see more trouble. That is why I think we may need to change the Covenants and/or bylaws to allow us to make assessments agree with the cost of road maintenance for each primary area of Glastonbury. And that is why I think that most of the people in Glastonbury would go for it, rather than have everybody in Glastonbury pay the same.

Regarding the part that was unclear, it would not be robbing Peter to pay Paul if the landowners were to vote to make up the difference for another area in order to meet needs that could not otherwise be met. (And this cannot be decided upon capriciously.)

A special assessment requires a vote of the whole community every time one is needed. I am proposing to bypass this ordeal by putting it in the Covenants and bylaws that in times of real need the whole community could pay the difference if the GLA thought it appropriate. Of course we would have to trust the GLA and future boards to not be frivolous. And landowners must always be vigilant!

I think we need a special assessment, for now, to put the money back in the bank and give us something for grading and graveling but I think we should consider assigning assessments according to the cost of road maintenance in each primary area of Glastonbury.

Many blessings to you and Valerie, with love,

Clare

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**  
**September 17, 2012**  
**CONFIDENTIAL – DO NOT COPY**

**1. Call to Order**

The meeting was called to order by Richard Bolen at 7:21 p.m. at St. John's Church. Sheridan gave the opening prayer.

**PRESENT:** Richard Bolen (President) aka Richard, Laura Boise (Vice President), Janet Naclerio (Secretary), Sheridan Stenberg (Treasurer), Alyssa Allen, Paul Ranttalo, Gerald Dubiel (arrived at 7:20 p.m.)

**ABSENT:** Sean Halling, Ken Haug, Scott McBride, William Smith, Rich Spallone.

**ALSO ATTENDING:** Nathan Minnick and James Ruddy (Minnick Management).

**Landowners:** Jeff & Jerry Ladewig, Charlene Murphy, Ronald Wartman, Daniel and Valery O'Connell; **Guest:** Danilee Howe.

**2. Set Agenda**

**3. Approve August 20, 2012 Meeting Minutes**

Janet recalled that under section 4.4, Rich had mentioned needing two to three sprayings at an estimated cost of \$1000.00 to \$1500.00 based on \$500.00 per application. General discussion and concurrence by Board to approve the edit. **MOTION:** Sheridan motioned and Laura seconded to approve the August 20, 2012 meeting minutes with noted edit. **Motion carried unanimously.**

**4. Officer and Committee Reports**

**4.1 Executive Committee Report**

**4.1.1 President's Report: Protocol for Open and Closed Session Meetings – RB**

Richard reported that the closed session meeting will now become a continuation of the regular meeting, as advised by attorney, and will be reflected within the regular meeting agenda and minutes.

Richard reported on a meeting requested by the O'Connells which he and Alyssa attended where they discussed several differences the O'Connells have with the board in the interpretation of the bylaws, and some options to resolve them. There was nothing that the O'Connells had provided in writing, and nothing to report in the form of agreements; further research would have to be done.

**4.1.2 Parcel 97 SG – Easement – RB**

Richard gave a brief history on the easement issue and reported that the board had approved pursuing legal action using attorney Alanah Griffith in order to rectify the access issue at the 8-20-12 closed session. Recent progress is that Alanah has confirmed that the GLA easement is valid and she has issued a demand letter.

**4.1.3 Treasurer's Reports: Budget Variance, Check & Deposit – SS**

Sheridan presented the Treasurer's Reports. Sheridan and Richard discussed how bills are reviewed and approved by them prior to payment. **MOTION:** Alyssa motioned and Gerald seconded to approve the August 2012 Treasurer's reports. **Motion carried unanimously.**

Sheridan also reported that she had visited with Noreen Kaminsky (NG 10-B) and discussed that a lien would need to be filed on her property due to her past due account. The results of the board's e-mail vote to approve the lien filing was 9 in favor and 3 abstentions, and a lien was then filed.

**4.1.4 Budget Meeting for 2013 Budget – SS**

Sheridan reported that the budget meeting held on 9-6-12 was attended by herself,

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**

September 17, 2012

**CONFIDENTIAL – DO NOT COPY**

Alyssa, and Charlene. Alyssa noted that a draft of the budget is to be reviewed later in the meeting.

**4.2 Managerial Committee Report – AA**

**4.2.1 Update on Document Organizing Project – AA**

Alyssa reported that the project is moving forward. Denise is getting election procedures drafted to be given to Nathan. Alyssa noted the covenants and bylaws are being studied during the overall project to be sure documents and procedures are in compliance with the governing documents.

**4.3 Project Review Committee Report – AA/RB**

**4.3.1 Update on Forms Updating Project – AA**

Alyssa reported that this is a big project, not yet complete but things are going well. When ready, a draft of the new forms will be e-mailed to the board for review.

**4.4 Road and Weed Mgmt Committee Report – WS/RS**

Paul reported that the material used for crack sealing has been obtained, but work is on hold due to fire restrictions for applying hot tar since high temperatures must be reached. Alyssa reported that she spoke with Rich who said that Adkins Construction is on standby for grading work to be performed once we have had some rain to provide moisture to the road surface.

**4.5 Election Committee Report – SS**

Sheridan reported that the initial election materials were updated and sent out on August 28 by Minnick Management. Sheridan noted that nominations must be received by September 28 and the next mailing will be going out the first week of October. Nathan reported that to date, one nomination has come in.

**5. UNFINISHED BUSINESS**

**5.1 Executive Committee**

**5.1.1 2013 Draft Budget – SS**

Sheridan presented and Alyssa reviewed the draft 2013 budget. Various differences were discussed and compared with the previous year's budget. The project review category will no longer show income and expenses since these are variable and cannot be projected accurately. The legal section has been increased from \$3000 to \$5000 to reflect increased activity. Laura noted a storage facility could be needed to house the lawn mower at the recreation land. Paul mentioned that the Quonset hut could be utilized for this purpose. Sheridan and Alyssa reported on the new budgeted management expense that now replaces many of the subcontractor expenses from last year's budget. Richard noted that this is a draft budget for initial review by the board prior to approving a final draft that will be presented at the next meeting.

**5.1.2 Assessment Policy – SS**

Sheridan and Alyssa reported that the assessment policy drafted in the spring will need to be reviewed at the next board meeting so that this draft policy can be presented to the membership for landowner input. Richard noted that previous boards' interpretations of the covenants regarding how assessments are to be paid are in the process of being updated to more meticulously conform with the covenants.

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**

September 17, 2012

**CONFIDENTIAL – DO NOT COPY**

**5.1.3 Dwelling Assessment per Covenant 11.03 – SS**

Sheridan brought up the complaint from Charlene Murphy regarding how the covenants require that all dwellings be assessed, yet guesthouses, which are also dwellings, are not currently being assessed and that this should be corrected. Charlene reported that there are seven lots in South and seven in North that have two homes which were grandfathered in prior to the master plan which are paying their two dwelling assessments. Laura noted that in the case of multiple dwellings on a lot, there would still only be one land assessment. Alyssa mentioned that assessments on dwellings are not based on use. Alyssa recommended that the board include information about this in the October mailing to the membership according to Bylaw Section 11-C - Due Process. Landowner Valery O'Connell spoke from the floor and stated that the Master Plan gives a definition of a guesthouse, and therefore, it is not a dwelling and cannot be assessed. Laura suggested that the assessment allocation be reviewed by legal counsel prior to any action. Richard stated that this item will be tabled in order to gather more information before proceeding.

**5.2 Project Review Committee – AA/RS**

**5.2.1 Revised Project Review Forms – AA**

Item tabled.

**6. NEW BUSINESS**

**6.1 Executive Committee**

**6.1.1 Proposal to form a nominating committee – RB**

Richard reported that the board has the power to form a nomination committee to help find qualified candidates for the board. Alyssa stated the bylaws (Article VI, section C) call for the committee to be announced at annual meeting and would consist of 2 directors and 3 members in good standing appointed by the board. Richard noted that if the board likes the idea of utilizing a nominating committee they could look into forming it and finding interested members.

**6.2 Managerial Committee – AA**

**6.2.1 Proposal for Informational Mailing in October – AA**

Alyssa reported on the due process required to inform the membership of the board's plans and that at the October meeting, the board will discuss and vote on a draft letter containing information to be sent out to owners regarding items such as the assessment policy and payments, dwelling assessments per covenant 11.03, and the topic of businesses with employees possibly being charged assessments. Laura suggested that time be dedicated at the annual meeting to get owner feedback on these items.

**7. Comment Period for Visiting Landowners**

Charlene Murphy commented on dwelling assessments and that it sounded like a good idea to get owner feedback at the meeting.

Jeff Ladewig had a question regarding dwelling assessments and if a dwelling was clearly defined in the covenants. Valery O'Connell pointed out covenant 3.12 that defines a dwelling. Jerry Ladewig commented on businesses being charged assessments.

Daniel and Valery O'Connell made comments about various matters and threatened another lawsuit if the board chose to continue working with Minnick Management.

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**

**September 17, 2012**

***CONFIDENTIAL – DO NOT COPY***

**8. Closed session**

Further discussion on the recent meeting with the O'Connell's. Updates regarding the O'Connell lawsuits.

Approval of the August 20, 2012 closed session minutes was tabled for the next meeting.

**9. Adjournment at 9:46 p.m. at St John's Church**

**10. Next Board Meeting: October 15th, 2012, at St. John's Church (Please note: the originally-scheduled meeting for October 15 was rescheduled for October 8, 2012.)**



**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes - Final**  
May 12, 2014  
**CONFIDENTIAL - DO NOT COPY**

1. **Commence Special Meeting to fill NG director position vacated by Donna Lash-Andersen**

The meeting was called to order by Alyssa Allen at 7:00 p.m. at St. John's Church and Charlene Murphy gave the opening prayer.

**PRESENT:** Alyssa Allen (President), Ross Brunson (Vice President), Janice McCann (Treasurer), Sheridan Stenberg (Secretary), Paul Ranttalo, Robert Wallace (aka Robert W.), Robert Branson (aka Robert B.), Scott McBride, Gerald Dubiel, Laura Boise, Daniel Kehoe, and Charlotte Mizzi.

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**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes**  
December 13, 2010  
**FINAL**  
**CONFIDENTIAL - DO NOT COPY**

1. **Call to order**

The meeting was called to order by Laura at 7:12 p.m. at St. John's Church.

**PRESENT:** Laura Boise (President), Richard Bolen (Vice President) aka Richard, Janet Naclerio (Secretary), Sheridan Stenberg (Treasurer), Alyssa Angelis, Gerald Dubiel, Neil Kremer, Daniel O'Connell, Paul Ranttalo, and Rich Spallone (aka Rich).

**ABSENT:** Clare Parker and William Smith

**Glastonbury Landowners Association**  
**Board of Directors Meeting**

**Minutes**  
**December 14, 1998**

1. **Call to Order, Prayer**

The meeting was called to order at 7:15 p.m., by Daniel Kehoe, Jr. at Healing

**Glastonbury Landowners Association**  
**Third Annual Meeting**  
**Minutes-11/13/99**

*"Exhibit 8"*

Invocation given by Rev. Carla Ann Healy.

1. President's report given by Daniel Kehoe, Jr. He asks that landowners become more sensitive to the needs of the road project. He recognized the out-going Board members:



# EXHIBIT 9

# South Glastonbury

5/11/09 Meeting

## Dry Creek Paved

9 homes 11 lots  
\$3,480-

## Virgo

7 homes 11 lots  
\$3,132-

## Dry Creek Unpaved

11 homes 15 lots  
\$4,524

<u>Arcturus</u>	+	<u>Arcturus + Leo</u>	=	<u>Total Arcturus Access</u>
43 homes 78 lots	+	15 homes 20 lots	=	58 homes 98 lots
\$21,054	+	\$6,090	=	\$27,144-

## Hercules Access

27 homes 67 lots  
\$16,356-

"Exhibit 9"

# North Glastenbury

## Taurus Access

22 homes 27 lots  
\$8,526-

## South Capricorn - Unpaved

14 homes 15 lots  
\$5,046-

## Jupiter Way

3 homes 7 lots  
\$1,740

## Capricorn Paved

34 homes 34 lots  
\$11,832-

Gemini Road + Orion Way + Caspari =

19 homes 21 lots + 14 homes 20 lots + 1 home 9 lots =  
\$6,960- + \$5,916 + \$1,740 =

Total Gemini  
34 homes  
50 lots  
\$14,616

## Sirius - unpaved

49 homes GAV  
\$8,526

## Venus Way

18 homes 22 lots  
\$6,960

## Pisces Way

14 homes 20 lots  
\$5,916

## Aquarius Lane

9 homes 11 lots  
\$3,480

"Exhibit 9" p. 2



# EXHIBIT 10

**TO:** All Glastonbury Landowners  
**FROM:** GLA Board of Directors  
**DATE:** March 14, 2014  
**RE:** Notice of Special Meeting of the Members for the purpose of  
considering amendments to the Bylaws and vote for proposed amendments

---

Dear Member,

In an effort to save the association money on postage costs, administrative labor and material costs, the Board of Directors is proposing an amendment to the Bylaws that will allow e-mail to be used as a means of providing notice and other forms of communication to the members and to the board.

In addition to saving time and money, e-mail communication will help the association to simplify and streamline its procedures, and to utilize the conveniences provided by today's technology. Landowners will also benefit by being able to opt-in to specific items they wish to receive by e-mail for their convenience, such as Newsletters, Meeting Announcements, and even Assessment Statements.

Our Bylaws currently allow notice to be provided only by postal mail and facsimile, therefore, the proposed amendments must be adopted in order to allow e-mail as an additional means of communication.

**Please note: The board is aware that not all members desire to use e-mail, and by voting in favor of the amendments you are not automatically opting-in to receive e-mail communication. You may only opt-in by filling out the consent form that will be provided to you in the future if the amendments pass.**

Enclosed you will find a ballot form that includes instructions and details about each of the proposed amendments. If you should have any questions regarding how to fill out the ballot or how to submit it, please contact the board by calling 406-451-0033, or by sending an e-mail to [info@glamontana.org](mailto:info@glamontana.org). A board member will contact you promptly.

We encourage you to please plan to attend the **Special Meeting on Monday, April 14, 2014 at 7:00 pm at St. John's Church in Emigrant**. You may also designate a proxy, fax or mail your ballot.

**Please arrive at 6:45 p.m. to sign in and help us to quickly reach quorum!**

Thank-you for your participation on this important endeavor,

GLA Board of Directors

"Exhibit 10"



6:00 PM  
07/20/14  
Cash Basis

**Glastonbury Landowners Association**  
**Profit & Loss**  
January through July 2014

*Charlene*

	<u>Jan - Jul 14</u>	<u>% of Budget</u>	<u>% of Invoiced</u>
<b>1300 - Litigation</b>			
1310 - Legal Costs - O'Connell	175.00		
1311 - Document Production	966.45		
<b>Total 1300 - Litigation</b>	<u>1,141.45</u>	34.59	100
<b>2000 - Overhead/Admin Costs</b>			
2005 - Accountant's Fees	966.00	64.4	
2010 - Administration Costs - Contracted	14.98		
2011 - Bank Charges	32.00		
2012 - Credit Card Fees	36.16		
2013 - Collection Costs	1,092.40		
2016 - Insurance - Board Liability	1,609.20	89.81**	
2017 - Legal Fees-General Advice	1,417.50	141.75	
2018 - Licenses & Annual Reporting	65.00		
2019 - Lien Filing Costs	289.00		
2020 - Management Expense	13,200.25	58.15	
2025 - Miscellaneous	736.24	147.25	
2030 - Newsletter Costs	184.98	61.67	
2050 - Office Supplies	289.60	20.69	
2052 - Postage & Shipping	1,047.82	87.32	
2055 - Printing & Copies	898.74	105.73	
2060 - Rent - Facilities	560.00	88.89	
2062 - Rent - PO Box & Safe Dep Box	75.00	125	
2065 - Software - SharePoint	17.90	89.5	
2066 - Software - Dropbox	59.94		
2080 - Telephone & Messaging	109.65	60.92	
2090 - Website Costs			
2092 - URL & Domain Fees	55.61	37.07	
<b>Total 2090 - Website Costs</b>	<u>55.61</u>	37.07	
<b>Total 2000 - Overhead/Admin Costs</b>	<u>22,757.97</u>	66.89	100
<b>Total Expense</b>	<u>60,220.54</u>		
<b>Net Ordinary Income</b>	44,787.00		
<b>Other Income/Expense</b>			
Other Income			
5000 - Interest Income - Bank	41.49		
<b>Total Other Income</b>	<u>41.49</u>		

*"Exhibit 10" pg 2*

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes - Final**  
**April 14, 2014**  
***CONFIDENTIAL – DO NOT COPY***

**6.5 Communications Committee Report**

Alyssa reported that Robert B. had been added to the Communications Committee by the board at the March 18 meeting. **Motion:** Ross motioned and Robert W. seconded that Robert Branson co-chair the Communications Committee along with Alyssa. **Motion carried unanimously.**

**6.5.1 VoiceNation setup re: recipients of messages – AA**

Alyssa noted that VoiceNation messages will be automatically sent to the chairs of each committee.

**6.5.2 E-mail groups for committees – Ross**

Ross discussed options for dispersing information and communications for the Governing Document Committee. Ross reported on the ability to setup e-mail groups specific to each committee that would be delivered directly to each committee member.

**6.6 Website Committee Report – Ross**

**6.6.1 Technical enablement for Governing Documents Committee**

Ross discussed options for documents and suggestions to be compiled and worked on as well as shared by the Governing Document Committee.

**6.6.2 Additions and updates to website**

Ross reported on updates to the website.

**6.7 Project Review Committee Report – GD/Robert B.**

Gerald reported that there was a Project Review Committee meeting on March 17 attended by himself, Robert B., Paul, and Alyssa. Discussion included the need for landowners to mark the boundary line closest to their project so that the member of the committee would be able to confirm and measure the setback distance to the proposed building. Also discussed was the possible use of a shelter on Lot 39-E SG as a dwelling, and how the basic project review application form is handled by Minnick.

**6.7.1 Proposed revision to application instructions – GD**

Gerald discussed the need for landowners to accurately identify and mark the closest boundary line to their project so that the Project Review Committee can determine setbacks when doing a site inspection of a proposed project. The board reviewed the proposed additional wording to the "Project Review Overview and Instructions" document. **Motion:** Sheridan motioned and Robert B. seconded to approve the Project Review Overview and Instructions document with the additional wording. **Motion carried unanimously.**

**7. UNFINISHED BUSINESS**

**7.1 Review of Delinquent Accounts and Status of Collections – JM**

Janice presented a draft collection letter to be sent out to accounts that have become delinquent and have not responded to previous collection efforts. The board discussed the assessment policy, and procedures when accounts become past due. Janice and Alyssa would continue refining the letter and present this to the board before mailing out.

**7.2 GLA Records: Organization Status & Guidelines for Document Retention – Ross**

Alyssa reported that there are 17 boxes of GLA documents which have been sorted and are now ready for storage. Ross reported on the requirements for storing documents based on state law and the Montana non-profit association.

**Glastonbury Landowners Association, Inc.**  
**Board of Directors Meeting Minutes - Final**  
**April 14, 2014**  
**CONFIDENTIAL – DO NOT COPY**

**8. NEW BUSINESS**

**8.1 Meeting Norms – SM**  
Tabled.

**8.2 Review of Conflict of Interest and Code of Ethics policies – Ross**  
Ross gave an update regarding his research on conflict of interest standards and code of ethics policies as well as the potential updating of the GLA's current policies.

**8.3 Letter from Attorney Voyich – AA**  
The board received a letter from the Anderson & Voyich law firm regarding a potential conflict of interest with Donna Lash-Andersen. Since Donna was no longer a board member the board agreed that there was no need to reply at this time.

**8.4 Letter for Lot 24 (SG) McGee property cleanup – AA**  
Alyssa pointed out that the McGees have made efforts to clean up their property and Jerry Ladewig recommended the board acknowledge their efforts with a letter.

**8.5 April Mailing – review components and newsletter content – AA**  
Alyssa reported that she has prepared a draft newsletter and will e-mail this to the board for review. The board discussed the content.

**8.6 Review proposed e-mail opt-in/consent form – AA**  
Alyssa presented the e-mail opt in form to the board: **Motion:** Sheridan motioned and Paul seconded to have attorney Alana Griffith review the e-mail opt-in form prior to it being sent out. **Motion carried unanimously.** The board discussed the categories and content of the form.

**8.7 Lot 25-1 (NG) – Goulart Vastu Temple Project Review – GD/Robert B.**  
Gerald presented the Goulart Vastu Temple project application and noted that it met the setback requirements. **Motion:** Gerald motioned and Robert W. seconded to approve the Goulart Vastu Temple application, with the clarification that the approval is only for this one structure, disturbed land be re-seeded and any necessary permits be obtained. **Motion carried.** Abstentions: Janice & Paul.

**9. Determine Upcoming Committee Meeting Dates**

A Road Committee Meeting was scheduled for May 22<sup>nd</sup> at 7 p.m.

A Communications Committee was meeting scheduled for April 16<sup>th</sup> at 8 a.m.

A Project Review Committee meeting was scheduled for every other Monday with the exception of board meeting dates beginning April 21<sup>st</sup> at 8 p.m.

**10. Comment Period for Visiting Landowners**

Chris and Ia Williams commented on how the board interacted with Donna and her resignation.

**11. Closed Session**

**11.1 Discussion of lawsuits – AA/Board**  
Tabled.

**12. Meeting Adjourned at 11:48 p.m.**

**13. Next Board Meeting: May 12, 2014 at St. John's Church**

*Exhibit 10  
pg 4*



# EXHIBIT 11

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1325.00  
01/02/2013

1325.00 01/02/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
3500.00  
01/02/2013

3500.00 01/02/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
11,175.80  
01/02/2013

11,175.80 01/02/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
2,064.00  
01/09/2013

2,064.00 01/09/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
191.00  
01/11/2013

191.00 01/11/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
11,527.00  
01/23/2013

11,527.00 01/23/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1178.00  
01/25/2013

1178.00 01/25/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1898 597.50  
01/04/2013

1898 597.50 01/04/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1901 1250.00  
01/02/2013

1901 1250.00 01/02/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1905 55.00  
01/14/2013

1905 55.00 01/14/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1906 3360.00  
01/04/2013

1906 3360.00 01/04/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1907 31,179.67  
01/02/2013

1907 31,179.67 01/02/2013

PAID \$405 1/23/13

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1908 2,052.43  
01/07/2013

1908 2,052.43 01/07/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1909 525.10  
01/04/2013

1909 525.10 01/04/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1911 1455.00  
01/22/2013

1911 1455.00 01/22/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1912 556.00  
01/29/2013

1912 556.00 01/29/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1913 1140.00  
01/15/2013

1913 1140.00 01/15/2013

GLASTONBURY LANDOWNERS ASSOC. INC.  
1/1/2013  
1915 5815.00  
01/11/2013

1915 5815.00 01/11/2013

000314

# Glastonbury Landowners Association Check Detail January through May 2014

Num	Date	Name	Memo	Account	Paid Amount
1125	02/28/2014	Glastonbury Land...		001 · Big Sky Western Operating Acct	-570.00
			FEB 2014 NG CHI...	013 · NG Chip Seal Reserve Cash	-570.00
TOTAL					-570.00
1126	03/05/2014	Minnick Managem...		001 · Big Sky Western Operating Acct	-1,885.75
INV 4...	03/03/2014				-23.84
			Cert Mail	2020 · Management Expense	-28.76
				2052 · Postage & Shipping	-33.70
				2055 · Printing & Copies	-24.28
				2012 · Credit Card Fees	-52.35
			Garcia/Mott	2013 · Collection Costs	-18.28
			NG 10-D	2013 · Collection Costs	-26.54
			NG 6B-4	2013 · Collection Costs	-31.92
			SG 22-D	2013 · Collection Costs	-13.22
			SG 32-D	2013 · Collection Costs	-0.73
			NG 10-C	2013 · Collection Costs	-2,206.47
			NG 24-5	2013 · Collection Costs	
			NG 5-E	2013 · Collection Costs	
TOTAL					-2,206.47
1127	03/10/2014	Alanah Griffith		001 · Big Sky Western Operating Acct	-87.50
INV 3...	03/05/2014				-87.50
			Non-Profit Waiver ...	2017 · Legal Fees-General Advice	
TOTAL					-87.50
1128	03/10/2014	Mike Adkins Const...		001 · Big Sky Western Operating Acct	-840.00
Feb 2...	02/25/2014				-840.00
TOTAL					-840.00
1129	03/10/2014	R&B Builders		001 · Big Sky Western Operating Acct	-437.40
SN IN...	03/10/2014				-437.40
			Chains REQ Signs	1045 · Signs, Posts & Snowfence	
TOTAL					-437.40
1130	03/10/2014	RN Storey, CPA, PC		001 · Big Sky Western Operating Acct	-420.00
INV 1...	03/02/2014				-420.00
			2013 FS & Discus...	2005 · Accountant's Fees	
TOTAL					-420.00

Exhibit 11

Exhibit 11

# Glastonbury Landowners Association

## Check Detail

January through May 2014

Num	Date	Name	Memo	Account	Paid Amount
2/23-...	03/31/2014		2/23-3/22 Loader ...	1011 · Equipment Rental	-200.00
TOTAL					-200.00
1137	03/31/2014	Emigrant General ...		001 · Big Sky Western Operating Acct	
2/23-...	03/31/2014		2/23-3/22 Fuel Log	1025 · Fuel	-412.12
TOTAL					-412.12
1138	04/01/2014	Mirmick Managem...		001 · Big Sky Western Operating Acct	
INV 4...	04/01/2014				-1,885.75
			Out of Country	2020 · Management Expense	-4.41
			March Mailing	2052 · Postage & Shipping	-5.60
			Copy	2052 · Postage & Shipping	-234.50
			March Mailing	2055 · Printing & Copies	-61.40
			Envelopes	2030 · Newsletter Costs	-34.00
			SG (50A, 34A1, 8...	2055 · Printing & Copies	-340.00
				2050 · Office Supplies	-34.99
				2013 · Collection Costs	-127.81
TOTAL					-2,728.46
1139	04/08/2014	Black Diamond Qu...	VOID:	001 · Big Sky Western Operating Acct	
TOTAL					0.00
1140	04/08/2014	R&B Builders		001 · Big Sky Western Operating Acct	
INV 4...	04/04/2014		Hercules	1010 · Contracted Snow Removal	-618.75
			Sagittarius Skyway	1010 · Contracted Snow Removal	-1,131.25
TOTAL					-1,750.00
1141	04/08/2014	United States Trea...	81-0514969	001 · Big Sky Western Operating Acct	
			81-0514969	Payroll Liabilities	-741.00
			81-0514969	Payroll Liabilities	-243.51
			81-0514969	Payroll Liabilities	-243.51
			81-0514969	Payroll Liabilities	-56.95
			81-0514969	Payroll Liabilities	-56.95
TOTAL					-1,341.92
1142	04/08/2014	Unemployment Ins...	203 3592	001 · Big Sky Western Operating Acct	



# Glastonbury Landowners Association

## Check Detail

January through May 2014

Num	Date	Name	Memo	Account	Paid Amount
INV 3...	05/06/2014		2nd Recovery in ...	1024 · Truck #2 (93 DODGE) Maintenance	-464.00
TOTAL					-464.00
1149	05/12/2014	Park Electric Coop...		001 · Big Sky Western Operating Acct	
	05/06/2014			1210 · Utilities for Rec Center	-24.12
TOTAL					-24.12
1151	05/30/2014	Alanah Griffith		001 · Big Sky Western Operating Acct	
INV 3...	05/06/2014		Amnd Procedures...	2017 · Legal Fees-General Advice	-87.50
TOTAL					-87.50
1152	05/30/2014	Cain Construction,...		001 · Big Sky Western Operating Acct	
INV 2...	05/23/2014		Clean Culverts & ...	NG/SG Road Fund	-2,570.00
TOTAL					-2,570.00
1153	05/30/2014	Standish Excavati...		001 · Big Sky Western Operating Acct	
INV 1...	05/14/2014			1036g · Hercules Road	-1,289.60
TOTAL					-1,289.60
1155	05/30/2014	Glastonbury Land...		001 · Big Sky Western Operating Acct	
			May 2014 Funds ...	010 · Construction Bond Reserve Cash	-180.00
TOTAL					-180.00
1836	01/13/2014	R&B Builders		002 · Bank of the Rockies Checking	
	01/13/2014			1010 · Contracted Snow Removal	-218.75
				1010 · Contracted Snow Removal	-318.75
TOTAL					-637.50
1837	02/10/2014	Emigrant General ...		002 · Bank of the Rockies Checking	
0453...	02/10/2014			1025 · Fuel	-370.52
2/23...	03/31/2014		2/23-3/22 Fuel Log	1025 · Fuel	-0.06
TOTAL					-370.58

**Glastonbury Landowners Association**  
**Check Detail**  
January through May 2014

Num	Date	Name	Memo	Account	Paid Amount
1940	01/23/2014	Paul Rantalo		002 - Bank of the Rockies Checking	
195780	01/13/2014		SIRIUS / Patch H... Sand Loading into...	1050 - Other Road Costs 1013 - Sand	-149.50 -37.50
TOTAL					-187.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	CK	08/03/2011	Voice Nation		Checking / B.O.R.	-14.95	-14.95
TOTAL					C00-2.02 Virtual Me...	-14.95	14.95
Check	CK	11/09/2011	Bank of the Rockies		Checking / B.O.R.	-97.75	-97.75
TOTAL					K18. Miscellaneous	-97.75	97.75
Check	dbt	01/09/2013	GoDaddy.com		Checking / B.O.R.	-33.92	-33.92
TOTAL					F02. URL/Domain F...	-33.92	33.92
Check	dbt	02/11/2013	US Postal Service		Petty Cash_S. Ste...	-90.00	-90.00
TOTAL					K07. Postage and ...	-90.00	90.00
Check	dbt	02/11/2013	Paul Rantalo		Petty Cash_S. Ste...	-94.99	-94.99
TOTAL					A06. Equipment Mice	-94.99	94.99
Check	dbt	09/06/2013	Bank of the Rockies		Savings	-2.00	-2.00
TOTAL					K09. Bank Service ...	-2.00	2.00
Check	dbt	11/08/2013	Ace Ownehouse		Checking / B.O.R.	-19.26	-19.26
TOTAL					A11. Miscellaneous	-19.26	19.26
Check	dbt	11/08/2013	Signs Now		Checking / B.O.R.	-288.67	-288.67
TOTAL					A11. Miscellaneous	-288.67	288.67

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					A16. Employee Exp...	-230.00	230.00
						-2,675.05	2,675.05
Check	CC2	02/20/2013	Glastonbury Land...		Big Sky Western O...	-15,000.00	-15,000.00
TOTAL					Checking / B.O.R.	-15,000.00	15,000.00
						-15,000.00	15,000.00
Bill Pmt -Check	1001	02/26/2013	Park Electric		Big Sky Western O...	-25.10	-25.10
Bill	12380	02/20/2013			D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Bill Pmt -Check	1002	03/01/2013	Brown Law Firm, ...		Big Sky Western O...	-1,000.00	-1,000.00
Bill	131593	02/20/2013			C00-1 B O'Connell ...	-1,000.00	1,000.00
TOTAL						-1,000.00	1,000.00
Bill Pmt -Check	1003	03/01/2013	Minnick Managem...		Big Sky Western O...	-2,109.88	-2,109.88
Bill	INV 3...	03/01/2013			K30. Management ...	-1,881.00	1,881.00
					K07. Postage and ...	-8.00	8.00
					K07. Postage and ...	-10.68	10.68
					K06. Office Supplies	-26.60	26.60
					K06. Office Supplies	-143.60	143.60
					A16.B I.R.S.	-2.00	2.00
					K18. Miscellaneous	-18.00	18.00
					K13. Taxes	-20.00	20.00
TOTAL						-2,109.88	2,109.88
Bill Pmt -Check	1004	03/09/2013	Emigrant General ...		Big Sky Western O...	-348.96	-348.96
Bill		03/09/2013			A11A. Fuel	-348.96	348.96
TOTAL						-348.96	348.96
Paycheck	1005	03/16/2013	Gerald P Dubiel		Big Sky Western O...	-73.88	-73.88
					Payroll Expenses	-80.00	80.00
					Payroll Expenses	-4.96	4.96
					Payroll Liabilities	4.96	-4.96
					Payroll Liabilities	4.96	-4.96
					Payroll Expenses	-1.16	1.16

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-55.67	55.67
Bill Pmt -Check	1019	05/10/2013	Park Electric		Big Sky Western O...		-25.10
Bill		05/10/2013			D03A, Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Bill Pmt -Check	1020	05/10/2013	R & B Builders		Big Sky Western O...		-900.00
Bill		05/10/2013			A02C, High South ...	-900.00	900.00
TOTAL						-900.00	900.00
Bill Pmt -Check	1021	05/14/2013	Alanah Griffith		Big Sky Western O...		-742.50
Bill	2979	04/03/2013			C00-1 A General Le...	-115.50	115.50
Bill	INV 3...	05/14/2013			C00-1 A General Le...	-214.50	214.50
					C00-1 B O'Connell ...	-412.50	412.50
TOTAL						-742.50	742.50
Bill Pmt -Check	1022	05/22/2013	Minnick Managem...		Big Sky Western O...		-2,398.88
Bill	INV 3...	05/20/2013			K30, Management ...	-1,881.00	1,881.00
					K07, Postage and ...	-332.12	332.12
					K07, Postage and ...	-4.40	4.40
					K07, Postage and ...	-3.56	3.56
					K06, Office Supplies	-171.80	171.80
					B06, Miscellaneous	-6.00	6.00
TOTAL						-2,398.88	2,398.88
Bill Pmt -Check	1023	05/22/2013	PayneWest Insura...		Big Sky Western O...		-1,341.00
Bill	Invoice...	05/22/2013			K12A, GLA Board L...	-222.00	222.00
					K12A, GLA Board L...	-1,119.00	1,119.00
TOTAL						-1,341.00	1,341.00
Bill Pmt -Check	1024	06/10/2013	Alanah Griffith		Big Sky Western O...		-874.50
Bill	INV 3...	06/10/2013			C00-1 B O'Connell ...	-874.50	874.50
TOTAL						-874.50	874.50
Bill Pmt -Check	1025	06/10/2013	Minnick Managem...		Big Sky Western O...		-2,031.64

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill	INV 3...	06/10/2013			K30. Management ... K07. Postage and ... K06. Office Supplies K06. Office Supplies K06. Office Supplies K06. Office Supplies C03. Administration K31. Late Fee Colle... K31. Late Fee Colle... K31. Late Fee Colle... K31. Late Fee Colle... K31. Late Fee Colle...	-1,885.75 -7.82 -5.30 -43.98 -15.16 -6.99 -15.00 -6.77 -13.54 -4.52 -4.53 -13.57 -8.71	1,885.75 7.82 5.30 43.98 15.16 6.99 15.00 6.77 13.54 4.52 4.53 13.57 8.71
TOTAL						-2,031.64	2,031.64
Bill Pmt -Check	1026	06/26/2013	Park Electric		Big Sky Western O...	-47.68	-47.68
Bill	ACCT...	06/26/2013			D03A. Parkland Ele...	-47.68	47.68
TOTAL						-47.68	47.68
Bill Pmt -Check	1027	07/01/2013	Minnick Managem...		Big Sky Western O...	-2,083.09	-2,083.09
Bill	INV 3...	07/01/2013			K30. Management ... K07. Postage and ... K06. Office Supplies K31. Late Fee Colle... K31. Late Fee Colle... K31. Late Fee Colle... K31. Late Fee Colle... K31. Late Fee Colle... K32. Credit Card Py...	-1,885.75 -29.16 -32.10 -36.02 -61.79 -11.03 -6.77 -5.47 -15.00	1,885.75 29.16 32.10 36.02 61.79 11.03 6.77 5.47 15.00
TOTAL						-2,083.09	2,083.09
Liability Check	1028	07/08/2013	United States Trea...		Big Sky Western O...	-15.30	-15.30
					Payroll Liabilities Payroll Liabilities Payroll Liabilities Payroll Liabilities	-6.20 -6.20 -1.45 -1.45	6.20 6.20 1.45 1.45
TOTAL						-15.30	15.30
Bill Pmt -Check	1029	07/11/2013	Alyssa Allen		Big Sky Western O...	-39.80	-39.80

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill	ACCT...	07/27/2013			D03A. Parkland Ele...	-151.64	151.64
TOTAL						-151.64	151.64
Bill Pmt -Check	1038	07/29/2013	Angels Design		Big Sky Western O...	0.00	0.00
TOTAL						0.00	0.00
Bill Pmt -Check	1039	07/29/2013	Angels Design		Big Sky Western O...	-1,464.15	-1,464.15
Bill	INV 2...	07/29/2013			C00-1 B O'Connell ...	-545.00	545.00
					C01. Contractors	-150.00	150.00
					C03. Administration	-40.00	40.00
					K19. Quarterly New...	-100.00	100.00
					K19. Quarterly New...	-90.00	90.00
					J07. Procedures & ...	-465.00	465.00
					C00-1 A General Le...	-40.00	40.00
					F01. Contractors - ...	-20.00	20.00
					K06. Office Supplies	-9.10	9.10
					K07. Postage and ...	-5.05	5.05
TOTAL						-1,464.15	1,464.15
Paycheck	1040	08/04/2013	Steven C Hull		Big Sky Western O...	-55.41	-55.41
					Payroll Expenses	-60.00	60.00
					Payroll Expenses	-3.72	3.72
					Payroll Liabilities	3.72	-3.72
					Payroll Liabilities	3.72	-3.72
					Payroll Expenses	-0.87	0.87
					Payroll Liabilities	0.87	-0.87
					Payroll Liabilities	0.87	-0.87
					Payroll Expenses	-0.36	0.36
					Payroll Liabilities	0.36	-0.36
TOTAL						-55.41	55.41
Bill Pmt -Check	1041	08/08/2013	Adkins Construction		Big Sky Western O...	-13,244.00	-13,244.00
Bill	June ...	07/29/2013			A12B. Aries Drive	-750.00	750.00
					A12J. Sirius Drive	-1,310.00	1,310.00
					A12K. Taurus Road	-1,308.00	1,308.00
					A12F. Gemini Road	-1,030.00	1,030.00
					A12C. Capricorn Dr...	-1,650.00	1,650.00
					A13B. Arcurus Drive	-1,529.00	1,529.00
					A13E. Leo Lane	-743.00	743.00

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1076	12/09/2013	Alanah Griffith		Big Sky Western O...		-402.50
Bill		12/09/2013			C00-1 A General Le...	-175.00	175.00
					C00-1 B O'Connell ...	-227.50	227.50
TOTAL						-402.50	402.50
Bill Pmt -Check	1077	12/09/2013	Minnick Managem...		Big Sky Western O...		-3,031.45
Bill	INV	12/09/2013			K30. Management ...	-1,885.75	1,885.75
					K07. Postage and ...	-12.30	12.30
					K06. Office Supplies	-53.45	53.45
					M07. Miscellaneous	-28.44	28.44
					M08. Copies	-212.59	212.59
					K32. Credit Card Py...	-25.78	25.78
					G01. Lien Filing	-114.00	114.00
					K31. Late Fee Colle...	-699.14	699.14
TOTAL						-3,031.45	3,031.45
Bill Pmt -Check	1078	12/17/2013	Covered Wagon C...		Big Sky Western O...		-486.00
Bill	INV 4...	12/17/2013			A02A. North Glasto...	-486.00	486.00
TOTAL						-486.00	486.00
Bill Pmt -Check	1079	12/17/2013	Montana state Fund		Big Sky Western O...		-400.38
Bill		12/17/2013			A16.A MontananSta...	-400.38	400.38
TOTAL						-400.38	400.38
Bill Pmt -Check	1080	12/17/2013	Rudy Parker		Big Sky Western O...		-200.00
Bill		12/17/2013			F00. Website	-200.00	200.00
TOTAL						-200.00	200.00
Bill Pmt -Check	1081	12/17/2013	Splash Design		Big Sky Western O...		-85.00
Bill	002990	12/17/2013			D06. Miscellaneous	-85.00	85.00
TOTAL						-85.00	85.00
Bill Pmt -Check	1082	12/17/2013	Alyssa Allen		Big Sky Western O...		-29.85
Bill	Drobb...	11/03/2013			F03. Software	-29.85	29.85



**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Liability Check	1088	12/31/2013	United States Trea...		Big Sky Western O...	-9.18	-9.18
					Payroll Liabilities	-3.72	3.72
					Payroll Liabilities	-3.72	3.72
					Payroll Liabilities	-0.87	0.87
					Payroll Liabilities	-0.87	0.87
TOTAL						-9.18	9.18
Liability Check	1089	12/31/2013	United States Trea...		Big Sky Western O...	0.00	0.00
TOTAL						0.00	0.00
Liability Check	1090	12/31/2013	United States Trea...		Big Sky Western O...	0.00	0.00
TOTAL						0.00	0.00
Liability Check	1091	12/31/2013	United States Trea...		Big Sky Western O...	0.00	0.00
TOTAL						0.00	0.00
Liability Check	1092	12/31/2013	United States Trea...		Big Sky Western O...	0.00	0.00
TOTAL						0.00	0.00
Check	1623	01/06/2011	St. John's Episcop...		Checking / B.O.R.	0.00	0.00
TOTAL						0.00	0.00
Check	1624	01/06/2011	United Financial C...		Checking / B.O.R.	-1,180.00	-1,180.00
TOTAL					A05. Equipment Re...	-1,180.00	1,180.00
Check	1625	01/07/2011	Paul Rantalo		Checking / B.O.R.	-191.14	-191.14
TOTAL					A11E. Quonset Hut ...	-191.14	191.14
Check	1626	01/07/2011	Paul Rantalo		Checking / B.O.R.	-120.00	-120.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					C04. Legal Fees	-1,000.00	1,000.00
						-1,000.00	1,000.00
Check	1686	08/01/2011	Void		Checking / B.O.R.		0.00
TOTAL						0.00	0.00
Check	1687	07/31/2011	Pegasus Business...		Checking / B.O.R.		-507.10
				K02. Contractors - ...		-225.00	225.00
				K06. Office Supplies		-27.10	27.10
				K08. Monthly Board...		-172.50	172.50
				C01. Contractors		-82.50	82.50
TOTAL						-507.10	507.10
Check	1688	08/05/2011	Stephen Sirios		Checking / B.O.R.		-250.00
				B03 Sanitation Bon...		-250.00	250.00
TOTAL						-250.00	250.00
Check	1689	08/06/2011	Paul Ranttaio		Checking / B.O.R.		-235.00
				A12J. Sirius Drive		-235.00	235.00
TOTAL						-235.00	235.00
Check	1690	08/12/2011	Key Insurance		Checking / B.O.R.		-5,406.28
				A14. Roads/Comm...		-5,406.28	5,406.28
TOTAL						-5,406.28	5,406.28
Check	1691	08/13/2011	Paul Ranttaio		Checking / B.O.R.		-224.00
				A12J. Sirius Drive		-224.00	224.00
TOTAL						-224.00	224.00
Check	1692	08/15/2011	Val O'Connell		Checking / B.O.R.		-200.00
				D03D. Lawn Mower...		-200.00	200.00
TOTAL						-200.00	200.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	1693	08/22/2011	Stu's Chemical		Checking / B.O.R.	-1,849.50	-1,849.50
TOTAL					A03. Contractors - ...	-1,849.50	1,849.50
Check	1694	08/23/2011	Void		Checking / B.O.R.	0.00	0.00
TOTAL						0.00	0.00
Check	1695	08/23/2011	Alanah Griffith		Checking / B.O.R.	-780.00	-780.00
TOTAL					C00-1 B O'Connell ... C00-1 A General Le... C04. Legal Fees	-390.00 -315.00 -75.00	390.00 315.00 75.00
Check	1696	08/30/2011	Alyssa Allen		Checking / B.O.R.	-311.61	-311.61
TOTAL					K06. Office Supplies C05. Miscellaneous... M08. Copies	-276.54 -28.08 -6.99	276.54 28.08 6.99
Check	1697	08/31/2011	Park Electric		Checking / B.O.R.	-78.89	-78.89
TOTAL					D03A. Parkland Ele...	-78.89	78.89
Check	1698	08/31/2011	Pegasus Business...		Checking / B.O.R.	-390.40	-390.40
TOTAL					K02. Contractors - ... K06. Office Supplies K08. Monthly Board... C01. Contractors M01. Contractors	-225.00 -7.90 -60.00 -30.00 -67.50	225.00 7.90 60.00 30.00 67.50
Check	1699	08/31/2011	Charlene Murphy		Checking / B.O.R.	-42.16	-42.16
TOTAL					M08. Copies M04. Postage and ...	-40.00 -2.16	40.00 2.16

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					B05. Legal Fees C00-1 B O'Connell ... C00-1 A General Le...	-2,585.25 -37.50 -487.50	2,585.25 37.50 487.50
						-3,110.25	3,110.25
Check	1708	09/27/2011	Angelis Design		Checking / B.O.R.		-2,830.00
TOTAL					B01. Contractors	-2,830.00	2,830.00
						-2,830.00	2,830.00
Check	1709	09/29/2011	Pegasus Business...		Checking / B.O.R.		-299.10
TOTAL					K02. Contractors - ... K06. Office Supplies	-292.50 -6.60	292.50 6.60
						-299.10	299.10
Check	1710	10/03/2011	US Postal Service		Checking / B.O.R.		-44.00
TOTAL					K07. Postage and ...	-44.00	44.00
						-44.00	44.00
Check	1711	10/03/2011	Ronda Alexander		Checking / B.O.R.		-100.00
TOTAL					B03 Sanitation Bon...	-100.00	100.00
						-100.00	100.00
Check	1712	10/05/2011	Park County Clerk		Checking / B.O.R.		-6.50
TOTAL					G01. Lien Filing	-6.50	6.50
						-6.50	6.50
Check	1713	10/10/2011	UPS Store		Checking / B.O.R.		-173.08
TOTAL					M08. Copies	-173.08	173.08
						-173.08	173.08
Check	1714	10/11/2011	Emigrant General ...		Checking / B.O.R.		-24.50
					M08. Copies	-24.50	24.50

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-75.00	75.00
Check	1722	10/26/2011	Alyssa Allen		Checking / B.O.R.		-1,010.00
				C01. Contractors		-240.00	240.00
				C00-2 Gen Op/Sub...		-100.00	100.00
				A09. Administration		-50.00	50.00
				K01. Contractors - ...		-230.00	230.00
				M03. Administration		-390.00	390.00
TOTAL						-1,010.00	1,010.00
Check	1723	10/26/2011	Alyssa Allen		Checking / B.O.R.		-26.70
				K08. Monthly Board...		-26.70	26.70
TOTAL						-26.70	26.70
Check	1724	10/31/2011	Pegasus Business...		Checking / B.O.R.		-731.90
				K02. Contractors - ...		-315.00	315.00
				K06. Office Supplies		-41.90	41.90
				K08. Monthly Board...		-82.50	82.50
				M01. Contractors		-292.50	292.50
TOTAL						-731.90	731.90
Check	1725	10/31/2011	Lund Law PLLC		Checking / B.O.R.		-296.50
				B05. Legal Fees		-296.50	296.50
TOTAL						-296.50	296.50
Check	1726	11/07/2011	Emigrant Hall		Checking / B.O.R.		-75.00
				M06. Rent		-75.00	75.00
TOTAL						-75.00	75.00
Check	1727	11/07/2011	Park County Treas...		Checking / B.O.R.		-141.54
				K13. Taxes		-141.54	141.54
TOTAL						-141.54	141.54
Check	1728	11/07/2011	Park County Treas...		Checking / B.O.R.		-39.04

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-75.00	75.00
Check	1743	11/18/2011	Adkins Construction		Checking / B.O.R.		-125.00
TOTAL				A11B. Sand		-125.00	125.00
						-125.00	125.00
Check	1744	11/23/2011	Park Electric		Checking / B.O.R.		-12.25
TOTAL				D03A. Parkland Ele...		-12.25	12.25
						-12.25	12.25
Check	1745	11/25/2011	Denise Orr Kirk		Checking / B.O.R.		-322.21
TOTAL				K07. Postage and ...		-11.37	11.37
				G01. Lien Filing		-32.13	32.13
				K06. Office Supplies		-172.24	172.24
				M07. Miscellaneous		-101.96	101.96
				K08. Monthly Board...		-4.51	4.51
TOTAL						-322.21	322.21
Check	1746	11/25/2011	Paul Rantalo		Checking / B.O.R.		-70.00
TOTAL				A11. Miscellaneous		-70.00	70.00
						-70.00	70.00
Check	1747	11/29/2011	Montana state Fund		Checking / B.O.R.		-390.34
TOTAL				A16.A MontananSta...		-390.34	390.34
						-390.34	390.34
Check	1748	11/29/2011	Pegasus Business...		Checking / B.O.R.		-729.00
TOTAL				K02. Contractors - ...		-416.25	416.25
				K06. Office Supplies		-24.00	24.00
				K08. Monthly Board...		-52.50	52.50
				M03. Administration		-236.25	236.25
TOTAL						-729.00	729.00
Check	1749	11/30/2011	Angelis Design		Checking / B.O.R.		-475.00
TOTAL						-475.00	475.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					C00-1 B O'Connell ...	-33.75	33.75
Check	1765	12/30/2011	Sheridan Stenberg		Checking / B.O.R.	-33.75	-33.75
TOTAL					C00-1 B O'Connell ...	-33.75	33.75
Check	1766	12/30/2011	Pegasus Business...		Checking / B.O.R.	-420.50	-420.50
TOTAL					K02. Contractors - ... K06. Office Supplies K08. Monthly Board...	-300.00 -15.50 -105.00	300.00 15.50 105.00
Check	1767	12/30/2011	Angelis Design		Checking / B.O.R.	-540.00	-540.00
TOTAL					C00-2 Gen Op/Sub... J03. Policies & Proc... C00-2.01 Gen. Man...	-50.00 -110.00 -380.00	50.00 110.00 380.00
Check	1768	12/31/2011	Christopher R. Wil...		Checking / B.O.R.	-113.22	-113.22
TOTAL					A06. Truck #1 A02A. North Glasto...	-20.00 -93.22	20.00 93.22
Check	1769	01/01/2012	St. John's Episcop...		Checking / B.O.R.	-360.00	-360.00
TOTAL					K11. Rent	-360.00	360.00
Check	1770	12/31/2011	Denise Orr Kirk		Checking / B.O.R.	-240.00	-240.00
TOTAL					K01. Contractors - ... K08. Monthly Board...	-75.00 -165.00	75.00 165.00
Check	1771	01/03/2012	US Postal Service		Checking / B.O.R.	-44.00	-44.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					K07. Postage and ...	-44.00	44.00
						-44.00	44.00
Check	1772	01/03/2012	R & B Builders		Checking / B.O.R.		-725.00
					A02C. High South ...	-725.00	725.00
TOTAL						-725.00	725.00
Check	1773	01/05/2012	US Postal Service		Checking / B.O.R.		-56.00
					K07. Postage and ...	-56.00	56.00
TOTAL						-56.00	56.00
Check	1774	01/04/2012	Ellen Bolen		Checking / B.O.R.		-7.28
					M05. Refreshments	-7.28	7.28
TOTAL						-7.28	7.28
Check	1775	01/13/2012	US Postal Service		Checking / B.O.R.		-64.64
					K07. Postage and ...	-64.64	64.64
TOTAL						-64.64	64.64
Check	1776	01/13/2012	Ed Dobrowski		Checking / B.O.R.		-140.00
					A06. Truck #1	-105.00	105.00
					A02C. High South ...	-35.00	35.00
TOTAL						-140.00	140.00
Check	1777	01/14/2012	Irby Enterprises U...		Checking / B.O.R.		-345.00
					J03. Policies & Proc...	-65.00	65.00
					K08. Monthly Board...	-280.00	280.00
TOTAL						-345.00	345.00
Check	1778	01/18/2012	American Automot...		Checking / B.O.R.		-496.00
					A06. Truck #1	-496.00	496.00
TOTAL						-496.00	496.00





Glastonbury Landowner's Association  
Check Detail  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-25.10	25.10
Check	1801	02/28/2012	Angels Design	Checking / B.O.R.		-605.00	
				J03.Policies & Proc...		-60.00	60.00
				C00-2.01 Gen. Man...		-445.00	445.00
TOTAL						-505.00	505.00
Check	1802	02/28/2012	Pegasus Business...	Checking / B.O.R.		-369.30	
				K02. Contractors - ...		-360.00	360.00
				K06. Office Supplies		-9.30	9.30
TOTAL						-369.30	369.30
Check	1803	02/29/2012	Emigrant General ...	Checking / B.O.R.		-56.00	
				A11A. Fuel		-56.00	56.00
TOTAL						-56.00	56.00
Check	1804	03/05/2012	Christopher R. Wil...	Checking / B.O.R.		-196.13	
				A06. Truck #1		-80.00	80.00
				A02A. North Glaslo...		-116.13	116.13
TOTAL						-196.13	196.13
Check	1805	03/06/2012	Department of Rev...	Checking / B.O.R.		-2.00	
				A16C. Department ...		-2.00	2.00
TOTAL						-2.00	2.00
Check	1806	03/07/2012	Irby Enterprises U...	Checking / B.O.R.		-1,515.00	
				J03.Policies & Proc...		-895.00	895.00
				K08. Monthly Board...		-620.00	620.00
TOTAL						-1,515.00	1,515.00
Check	1807	03/07/2012	Alanah Griffith	Checking / B.O.R.		-16.50	
				C00-1 A General Le...		-16.50	16.50
TOTAL						-16.50	16.50

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	1808	03/07/2012	Axlon Law Group ...		Checking / B.O.R.	-4,395.50	-4,395.50
TOTAL					C00-1 B O'Connell ...	-4,395.50	4,395.50
Check	1809	03/08/2012	James L. Emmart		Checking / B.O.R.	-150.96	-150.96
TOTAL					A02B. South Glasto...	-150.96	150.96
Check	1810	03/17/2012	Axlon Law Group ...		Checking / B.O.R.	-884.40	-884.40
TOTAL					C00-1 B O'Connell ...	-884.40	884.40
Check	1811	03/22/2012	Pegasus Business...		Checking / B.O.R.	-469.30	-469.30
TOTAL					K02. Contractors - ... G04. Credit Report ... K06. Office Supplies J03. Policies & Proc...	-360.00 -15.00 -11.80 -82.50	360.00 15.00 11.80 82.50
Check	1812	03/22/2012	Park Electric		Checking / B.O.R.	-25.10	-25.10
TOTAL					D03A. Parkland Ele...	-25.10	25.10
Check	1813	03/26/2012	R & B Builders		Checking / B.O.R.	-718.75	-718.75
TOTAL					A02C. High South ...	-718.75	718.75
Check	1814	03/30/2012	Angels Design		Checking / B.O.R.	-610.00	-610.00
TOTAL					J03. Policies & Proc... C00-2.01 Gen. Man...	-60.00 -550.00	60.00 550.00
Check	1815	04/04/2012	Denise Orr Kirk		Checking / B.O.R.	-223.00	-223.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	1823	04/19/2012	Irby Enterprises U...		Checking / B.O.R.	-991.00	
TOTAL					J03. Policies & Proc... K08. Monthly Board...	-736.00 -255.00	736.00 255.00
						-991.00	991.00
Check	1824	04/20/2012	Paul Rantalo		Checking / B.O.R.	-298.00	
TOTAL					A12J. Sirius Drive A11C. Sign Posts A11C. Sign Posts	-75.00 -181.00 -42.00	75.00 181.00 42.00
						-298.00	298.00
Check	1825	04/25/2012	Axlon Law Group ...		Checking / B.O.R.	-323.75	
TOTAL					C00-1 B O'Connell ...	-323.75	323.75
						-323.75	323.75
Check	1826	04/30/2012	Pegasus Business...		Checking / B.O.R.	-413.90	
TOTAL					K02. Contractors - ... G04. Credit Report ... K06. Office Supplies	-337.50 -45.00 -31.40	337.50 45.00 31.40
						-413.90	413.90
Check	1827	04/30/2012	Park Electric		Checking / B.O.R.	-25.10	
TOTAL					D03A. Parkland Ele...	-25.10	25.10
						-25.10	25.10
Check	1828	04/30/2012	Angells Design		Checking / B.O.R.	-740.00	
TOTAL					C00-2.01 Gen. Man... C00-2.01 Gen. Man... C00-2.01 Gen. Man...	-180.00 -215.00 -345.00	180.00 215.00 345.00
						-740.00	740.00
Check	1829	05/07/2012	Charlene Murphy		Checking / B.O.R.	-8.45	
TOTAL					K06. Office Supplies	-8.45	8.45
						-8.45	8.45

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1850	07/02/2012	Minnick Managem...		Checking / B.O.R.		-1,922.50
Bill	INV 3...	07/02/2012			K30. Management ... K07. Postage and ... K06. Office Supplies	-1,881.00 -10.20 -31.30	1,881.00 10.20 31.30
TOTAL						-1,922.50	1,922.50
Bill Pmt -Check	1851	07/03/2012	Park Electric		Checking / B.O.R.		-25.10
Bill	ACCT...	06/28/2012			D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Check	1852	07/03/2012	Investor #2		Checking / B.O.R.		-4,619.50
TOTAL					Chip Seal Investor#2	-4,619.50 -4,619.50	4,619.50 4,619.50
Check	1853	07/03/2012	Investor#3		Checking / B.O.R.		-1,154.87
TOTAL					Chip Seal Investor#3	-1,154.87 -1,154.87	1,154.87 1,154.87
Bill Pmt -Check	1854	07/14/2012	Alanah Griffith		Checking / B.O.R.		-3,559.63
Bill	INV 2...	07/12/2012			C00-1 B O'Connell ...	-3,559.63	3,559.63
TOTAL						-3,559.63	3,559.63
Bill Pmt -Check	1855	07/27/2012	Angelis Design		Checking / B.O.R.		-640.00
Bill	INV 2...	07/26/2012			C00-2.01 Gen. Man... C00-2.01 Gen. Man... C00-2.01 Gen. Man...	-80.00 -90.00 -470.00	80.00 90.00 470.00
TOTAL						-640.00	640.00
Bill Pmt -Check	1856	07/27/2012	Irby Enterprises U...		Checking / B.O.R.		-260.00
Bill	INV 2...	07/26/2012			J03.Policies & Proc...	-260.00	260.00
TOTAL						-260.00	260.00
Bill Pmt -Check	1857	07/27/2012	Park Electric		Checking / B.O.R.		-69.18

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1844	06/18/2012	Adkins Construction		Checking / B.O.R.		-8,000.00
Bill		06/11/2012			A12B. Aries Drive	-303.33	303.33
					A12J. Sirius Drive	-303.33	303.33
					A12K. Taurus Road	-611.34	611.34
					A12L. Venus Way	-308.00	308.00
					A12F. Gemini Road	-308.00	308.00
					A12I. Pisces Way	-308.00	308.00
					A13B. Arcturus Drive	-1,810.00	1,810.00
					A13E. Leo Lane	-740.00	740.00
					A13G. Hercules Road	-2,230.00	2,230.00
					A13J. Sagittarius S...	-770.00	770.00
					A12I. Pisces Way	-308.00	308.00
TOTAL						-8,000.00	8,000.00
Check	1845	06/28/2012	Sheridan Stenberg		Checking / B.O.R.		-200.00
TOTAL					Petty Cash_ S. Sten...	-200.00	200.00
						-200.00	200.00
Check	1846	07/02/2012	Pegasus Business...		Checking / B.O.R.		0.00
TOTAL						0.00	0.00
Bill Pmt -Check	1847	07/02/2012	Pegasus Business...		Checking / B.O.R.		-336.70
Bill	INV 47	06/28/2012			K02. Contractors - ...	-247.50	247.50
					C01. Contractors	-75.00	75.00
					K06. Office Supplies	-14.20	14.20
TOTAL						-336.70	336.70
Bill Pmt -Check	1848	07/02/2012	Paul Rantalo		Checking / B.O.R.		-4,000.00
Bill	INV 7...	06/28/2012			A12R. NG Crack S...	-4,000.00	4,000.00
TOTAL						-4,000.00	4,000.00
Bill Pmt -Check	1849	07/02/2012	Charlene Murphy		Checking / B.O.R.		-92.08
Bill	6/26/...	07/26/2012			A11C. Sign Posts	-92.08	92.08
TOTAL						-92.08	92.08

# Glastonbury Landowner's Association

## Check Detail

### January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-472.50	472.50
Check	1837	05/30/2012	Angelis Design		Checking / B.O.R.		-766.00
				C00-2.01 Gen. Man...		-30.00	30.00
				C00-2.01 Gen. Man...		-345.00	345.00
				C00-2.01 Gen. Man...		-390.00	390.00
TOTAL						-765.00	765.00
Check	1838	05/30/2012	Angelis Design		Checking / B.O.R.		-37.06
				K06. Office Supplies		-12.00	12.00
				F04. Miscellaneous		-7.17	7.17
				F04. Miscellaneous		-17.89	17.89
TOTAL						-37.06	37.06
Bill Pmt -Check	1839	05/31/2012	Irby Enterprises U...		Checking / B.O.R.		-455.00
Bill	INV 2...	06/08/2012			K08. Monthly Board...	-285.00	285.00
					J03. Policies & Proc...	-170.00	170.00
TOTAL						-455.00	455.00
Check	1840	06/04/2012	US Postal Service		Checking / B.O.R.		-6.95
					K07. Postage and ...	-6.95	6.95
TOTAL						-6.95	6.95
Bill Pmt -Check	1841	06/12/2012	Alanah Griffith		Checking / B.O.R.		-412.50
Bill	INV 2...	06/11/2012			C00-1 B O'Connell ...	-412.50	412.50
TOTAL						-412.50	412.50
Check	1842	06/12/2012	Void		Checking / B.O.R.		0.00
TOTAL						0.00	0.00
Bill Pmt -Check	1843	06/13/2012	Axilon Law Group ..		Checking / B.O.R.		-2,502.78
Bill	Statm...	06/11/2012			C00-1 B O'Connell ...	-2,502.78	2,502.78
TOTAL						-2,502.78	2,502.78

# Glastonbury Landowner's Association

## Check Detail

### January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1865	08/19/2012	Angelis Design		Checking / B.O.R.		-720.00
Bill	INV 2...	08/17/2012			C00-2.01 Gen. Man...	-120.00	120.00
					C00-2.01 Gen. Man...	-30.00	30.00
					C00-2.01 Gen. Man...	-330.00	330.00
					K19. Quarterly New...	-180.00	180.00
Bill	INV 2...	08/17/2012			C00-2.01 Gen. Man...	-60.00	60.00
TOTAL						-720.00	720.00
Bill Pmt -Check	1866	09/05/2012	Park Electric		Checking / B.O.R.		-153.59
Bill		08/23/2012			D03A. Parkland Ele...	-153.59	153.59
TOTAL						-153.59	153.59
Bill Pmt -Check	1867	09/17/2012	Angelis Design		Checking / B.O.R.		-406.70
Bill	INV 2...	09/13/2012			C00-2.01 Gen. Man...	-40.00	40.00
					J03.Policies & Proc...	-260.00	260.00
					J03.Policies & Proc...	-100.00	100.00
					K06. Office Supplies	-1.80	1.80
					K07. Postage and ...	-4.90	4.90
TOTAL						-406.70	406.70
Bill Pmt -Check	1868	09/17/2012	Irby Enterprises U...		Checking / B.O.R.		-415.00
Bill	2248	09/13/2012			J03.Policies & Proc...	-35.00	35.00
					J03.Policies & Proc...	-310.00	310.00
					J03.Policies & Proc...	-70.00	70.00
TOTAL						-415.00	415.00
Bill Pmt -Check	1869	09/17/2012	Paul Rantalo		Checking / B.O.R.		-5,000.00
Bill	INV 7...	09/13/2012			A12R. NG Crack S...	-5,000.00	5,000.00
TOTAL						-5,000.00	5,000.00
Bill Pmt -Check	1870	09/17/2012	Minnick Managem...		Checking / B.O.R.		-2,205.65
Bill	INV 3...	09/13/2012			K30. Management ...	-1,881.00	1,881.00
					K07. Postage and ...	-6.80	6.80
					K06. Office Supplies	-34.80	34.80
					M04. Postage and ...	-149.85	149.85
					M08. Copies	-133.20	133.20



# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill		11/06/2012			A13B. Arcturus Drive A13E. Leo Lane A13G. Hercules Road A13J. Sagittarius S... A13K. Scorpio Way A12K. Taurus Road A12B. Aries Drive A12J. Sirius Drive A12F. Gemini Road A12H. Orion Way A12C. Capricorn Dri... A12L. Venus Way A12I. Pisces Way A12G. Jupiter Way	-1,792.50 -367.50 -1,376.66 -336.67 -336.67 -369.17 -369.17 -369.17 -369.17 -369.16 -707.50 -263.33 -263.33 -5,050.00	1,792.50 367.50 1,376.66 336.67 336.67 369.17 369.17 369.17 369.17 369.16 707.50 263.33 263.33 5,050.00
TOTAL						-12,340.00	12,340.00
Bill Pmt -Check	1884	11/05/2012	Axilon Law Group ...		Checking / B.O.R.	-615.00	-615.00
Bill	State...	10/25/2012			C00-1 B O'Connell ...	-615.00	886.25
TOTAL						-615.00	886.25
Check	1885	11/05/2012	Brunson, Ross & ...		Checking / B.O.R.	-50.00	-50.00
Credit Memo	11039	11/05/2012		IF209 - ...	209. IF - Mobile Ho...	-50.00	50.00
TOTAL						-50.00	50.00
Bill Pmt -Check	1886	11/07/2012	Paul Rantalo		Checking / B.O.R.	-5,000.00	-5,000.00
Bill	FINA...	11/07/2012			A12R. NG Crack S...	-5,000.00	5,000.00
TOTAL						-5,000.00	5,000.00
Bill Pmt -Check	1887	11/07/2012	Alanah Griffith		Checking / B.O.R.	-3,766.50	-3,766.50
Bill	INV 2...	11/07/2012			C00-1 B O'Connell ...	-3,766.50	3,766.50
TOTAL						-3,766.50	3,766.50
Bill Pmt -Check	1888	11/08/2012	Emigrant Hall		Checking / B.O.R.	-75.00	-75.00
Bill	2012 ...	11/08/2012			M00. Annual Meetin...	-75.00	75.00
TOTAL						-75.00	75.00

# Glastonbury Landowner's Association

## Check Detail

### January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-1,237.50	1,237.50
Bill Pmt -Check	1898	12/12/2012	Granite Peak Cons...		Checking / B.O.R.		-97.50
Bill	INV 1...	12/12/2012			A02A, North Glasto...	-97.50	97.50
TOTAL						-97.50	97.50
Check	1899	12/12/2012	Gerald P Dubiel		Checking / B.O.R.		-70.00
					A02A, North Glasto...	-70.00	70.00
TOTAL						-70.00	70.00
Check	1900	12/13/2012	Investor #5		Checking / B.O.R.		-6,945.75
					Chip Seal Investor#5	-6,945.75	6,945.75
TOTAL						-6,945.75	6,945.75
Check	1901	12/13/2012	Wittich, Arthur / S...		Checking / B.O.R.		-250.00
Credit Memo	11044	12/13/2012		SB02 - H...	Sanitation Bonds - I...	-250.00	250.00
TOTAL						-250.00	250.00
Bill Pmt -Check	1902	12/17/2012	Gerald Dubiel		Checking / B.O.R.		-210.00
Bill	12-12...	12/13/2012			A02A, North Glasto...	-210.00	210.00
TOTAL						-210.00	210.00
Bill Pmt -Check	1903	12/17/2012	Minnick Managem...		Checking / B.O.R.		-2,501.05
Bill	INV 3...	11/30/2012			K30, Management ...	-1,881.00	1,881.00
					K07, Postage and ...	-5.85	5.85
					K07, Postage and ...	-17.00	17.00
					K06, Office Supplies	-35.80	35.80
					M08, Copies	-184.85	184.85
					K06, Office Supplies	-67.20	67.20
					K07, Postage and ...	-154.35	154.35
					G01, Lien Filing	-30.00	30.00
					G01, Lien Filing	-30.00	30.00
					G01, Lien Filing	-30.00	30.00
					G01, Lien Filing	-35.00	35.00
					K09, Bank Service ...	-30.00	30.00

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-2,501.05	2,501.05
Bill Pmt -Check	1904	12/17/2012	Montana state Fund		Checking / B.O.R.		-394.36
Bill	INV 1...	12/14/2012			A16.A MontananSta...	-394.36	394.36
TOTAL						-394.36	394.36
Check	1905	12/29/2012	Makris, George / S...		Checking / B.O.R.		-5.00
TOTAL					M07. Miscellaneous	-5.00	5.00
						-5.00	5.00
Bill Pmt -Check	1906	12/27/2012	Granite Peak Cons...		Checking / B.O.R.		-360.00
Bill	INV 1...	12/17/2012			A02A. North Glasto...	-360.00	360.00
TOTAL						-360.00	360.00
Bill Pmt -Check	1907	12/31/2012	Angelis Design		Checking / B.O.R.		-1,179.67
Bill	INV 2...	12/31/2012			C00-2.01 Gen. Man...	-60.00	60.00
					J03.Policies & Proc...	-80.00	80.00
					C00-2.01 Gen. Man...	-60.00	60.00
					K06. Office Supplies	-1.80	1.80
Bill	INV 2...	12/31/2012			C00-2.01 Gen. Man...	-310.00	310.00
					J03.Policies & Proc...	-70.00	70.00
					C00-2.01 Gen. Man...	-135.00	135.00
Bill	INV 2...	12/31/2012			C00-2.01 Gen. Man...	-10.00	10.00
					J03.Policies & Proc...	-170.00	170.00
					C00-2.01 Gen. Man...	-40.00	40.00
					K19. Quarterly New...	-80.00	80.00
					C00-2.01 Gen. Man...	-70.00	70.00
Bill	INV 2...	12/31/2012			C00-2.01 Gen. Man...	-50.00	50.00
					K06. Office Supplies	-7.00	7.00
					K07. Postage and ...	-9.80	9.80
					K06. Office Supplies	-26.07	26.07
TOTAL						-1,179.67	1,179.67
Bill Pmt -Check	1908	12/31/2012	Minnick Managem...		Checking / B.O.R.		-2,052.43
Bill	INV 3...	12/29/2012			K30. Management ...	-1,858.00	1,881.00
					K07. Postage and ...	-4.00	4.05
					K07. Postage and ...	-6.72	6.80
					K06. Office Supplies	-44.15	44.70

# Glastonbury Landowner's Association

## Check Detail

### January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					K31. Late Fee Colle... K06. Office Supplies K06. Office Supplies	-50.17 -39.50 -24.79	50.79 39.99 25.10
						-2,027.33	2,052.43
Bill Pmt -Check	1909	12/31/2012	Park Electric		Checking / B.O.R.		-25.10
Bill		12/31/2012			D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Bill Pmt -Check	1910	12/31/2012	R & B Builders		Checking / B.O.R.		0.00
TOTAL						0.00	0.00
Bill Pmt -Check	1911	01/09/2013	St. John's Episcop...		Checking / B.O.R.		-455.00
Bill	2013 ...	01/05/2013			K11. Rent	-455.00	455.00
TOTAL						-455.00	455.00
Bill Pmt -Check	1912	01/09/2013	US Postal Service		Checking / B.O.R.		-56.00
Bill	BOX ...	01/09/2013			K07. Postage and ...	-56.00	56.00
TOTAL						-56.00	56.00
Check	1913	01/13/2013	Gerald P Dubiel		Checking / B.O.R.		-140.00
TOTAL					A02A. North Glasto...	-140.00	140.00
						-140.00	140.00
Bill Pmt -Check	1914	01/13/2013	Alanah Griffith		Checking / B.O.R.		-181.50
Bill	INV 2...	01/09/2013			C00-1 B O'Connell ... C00-1 A General Le...	-66.00 -115.50	66.00 115.50
TOTAL						-181.50	181.50
Bill Pmt -Check	1915	12/31/2012	R & B Builders		Checking / B.O.R.		-875.00
Bill	Snow...	12/31/2012			A02C. High South ...	-875.00	875.00
TOTAL						-875.00	875.00

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1916	12/31/2012	Rudy Parker		Checking / B.O.R.		-80.00
Bill		12/31/2012			F00. Website	-80.00	80.00
TOTAL						-80.00	80.00
Bill Pmt -Check	1917	12/31/2012	Angelis Design		Checking / B.O.R.		-405.00
Bill	PRV	12/31/2012			B01. Contractors	-405.00	405.00
TOTAL						-405.00	405.00
Check	1918	01/14/2013	Glastonbury Land...		Checking / B.O.R.		-2,500.00
TOTAL					Big Sky Western O...	-2,500.00	2,500.00
Check	1919	01/25/2013	Liberty Northwest ...		Checking / B.O.R.		0.00
TOTAL						0.00	0.00
Bill Pmt -Check	1920	01/25/2013	Liberty Northwest ...		Checking / B.O.R.		-1,214.00
Bill		01/25/2013			A05. Equipment Re...	-1,214.00	1,214.00
TOTAL						-1,214.00	1,214.00
Bill Pmt -Check	1921	02/01/2013	Park Electric		Checking / B.O.R.		-25.10
Bill		02/01/2013			D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Paycheck	1922	02/07/2013	Gerald P Dubiel		Checking / B.O.R.		-332.46
					Payroll Expenses	-360.00	360.00
					Payroll Expenses	-22.32	22.32
					Payroll Liabilities	-22.32	22.32
					Payroll Liabilities	-22.32	22.32
					Payroll Expenses	-5.22	5.22
					Payroll Liabilities	-5.22	5.22
					Payroll Liabilities	-5.22	5.22
					Payroll Expenses	-2.16	2.16
					Payroll Liabilities	-2.16	2.16
TOTAL						-332.46	332.46

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	1923	02/18/2013	Alanah Griffith		Checking / B.O.R.		-49.50
Bill	INV 2...	02/18/2013			C00-1 A General Le...	-49.50	49.50
TOTAL						-49.50	49.50
Check	1924	04/29/2013	Gerald Dubiel		Checking / B.O.R.		-40.00
TOTAL					A02A. North Glasto...	-40.00	40.00
Check	1925	02/11/2013	Sheridan Stenberg		Checking / B.O.R.		-184.99
TOTAL					Petty Cash_S. Sten...	-184.99	184.99
Bill Pmt -Check	1926	02/11/2013	Paul Rantalo		Checking / B.O.R.		-375.00
Bill	INV 1...	02/11/2013			A11E. Quonset Hut ...	-375.00	375.00
TOTAL						-375.00	375.00
Paycheck	1927	02/11/2013	James L Emmart		Checking / B.O.R.		-238.11
TOTAL					Payroll Expenses	-260.00	260.00
					Payroll Expenses	-16.12	16.12
					Payroll Liabilities	-16.12	-16.12
					Payroll Liabilities	16.12	-16.12
					Payroll Expenses	-3.77	3.77
					Payroll Liabilities	3.77	-3.77
					Payroll Liabilities	3.77	-3.77
					Payroll Expenses	-1.56	1.56
					Payroll Liabilities	1.56	-1.56
					Payroll Liabilities	2.00	-2.00
						-238.11	238.11
Bill Pmt -Check	1928	05/03/2013	Denise Orr Kirk		Checking / B.O.R.		-1,050.00
Bill	April ...	05/03/2013			K01. Contractors - ...	-450.00	450.00
					C03. Administration	-435.00	435.00
					K01. Contractors - ...	-45.00	45.00
					K08. Monthly Board...	-120.00	120.00
TOTAL						-1,050.00	1,050.00

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					A05. Equipment Re...	-1,180.00	1,180.00
						-1,180.00	1,180.00
Check	1671	07/11/2011	US Postal Service		Checking / B.O.R.	-88.00	-88.00
TOTAL					K07. Postage and ...	-88.00	88.00
						-88.00	88.00
Check	1672	07/11/2011	Denise Orr Kirk		Checking / B.O.R.	-2,775.00	-2,775.00
					K01. Contractors - ...	-1,762.50	1,762.50
					G03. Administration	-367.50	367.50
					C03. Administration	-270.00	270.00
					K19. Quarterly New...	-135.00	135.00
					A09. Administration	-240.00	240.00
TOTAL						-2,775.00	2,775.00
Check	1673	04/11/2011	US Postal Service		Checking / B.O.R.	-88.00	-88.00
TOTAL					K07. Postage and ...	-88.00	88.00
						-88.00	88.00
Check	1674	04/11/2011	Montana Departm...		Checking / B.O.R.	-15.00	-15.00
TOTAL					K14. Licenses and ...	-15.00	15.00
						-15.00	15.00
Check	1675	04/25/2011	Park Electric		Checking / B.O.R.	-25.10	-25.10
TOTAL					D03A. Parkland Ele...	-25.10	25.10
						-25.10	25.10
Check	1676	04/28/2011	Pegasus Business...		Checking / B.O.R.	-437.05	-437.05
					K02. Contractors - ...	-285.00	285.00
					K06. Office Supplies	-28.30	28.30
					K08. Monthly Board...	-123.75	123.75
TOTAL						-437.05	437.05
Check	1677	05/16/2011	Paul Rantalo		Checking / B.O.R.	-150.00	-150.00

**Glastonbury Landowner's Association**  
**Check Detail**  
 January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-8,127.50	8,127.50
Check	1663	06/28/2011	Park Electric		Checking / B.O.R.		-25.10
					D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Check	1664	06/30/2011	Alyssa Angellis		Checking / B.O.R.		-270.00
					B01. Contractors	-270.00	270.00
TOTAL						-270.00	270.00
Check	1665	06/30/2011	Alyssa Angellis		Checking / B.O.R.		-500.00
					C00-2 Gen Op/Sub...	-500.00	500.00
TOTAL						-500.00	500.00
Check	1666	06/30/2011	Pegasus Business...		Checking / B.O.R.		-515.50
					K02. Contractors - ...	-277.50	277.50
					K06. Office Supplies	-5.50	5.50
					K08. Monthly Board...	-232.50	232.50
TOTAL						-515.50	515.50
Check	1667	07/05/2011	Investor#1		Checking / B.O.R.		0.00
TOTAL						0.00	0.00
Check	1668	07/05/2011	Investor #2		Checking / B.O.R.		-4,619.50
					Chip Seal Investor#2	-4,619.50	4,619.50
TOTAL						-4,619.50	4,619.50
Check	1669	07/05/2011	Investor#3		Checking / B.O.R.		-1,154.87
					Chip Seal Investor#3	-1,154.87	1,154.87
TOTAL						-1,154.87	1,154.87
Check	1670	07/05/2011	United Financial C...		Checking / B.O.R.		-1,180.00



# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Check	1649	03/22/2011	R & B Builders		Checking / B.O.R.		-3,481.50
					A02C. High South ...	-3,219.00	3,219.00
					A02A. North Glasto...	-56.25	56.25
					A02G. Dry Creek	-206.25	206.25
TOTAL						-3,481.50	3,481.50
Check	1650	03/22/2011	Pegasus Business...		Checking / B.O.R.		-365.10
					K02. Contractors - ...	-322.50	322.50
					K06. Office Supplies	-12.60	12.60
					K08. Monthly Board...	-30.00	30.00
TOTAL						-365.10	365.10
Check	1651	03/29/2011	Park Electric		Checking / B.O.R.		-25.10
					D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Check	1652	03/28/2011	Hillman Moody & ...		Checking / B.O.R.		-125.00
					C04. Legal Fees	-125.00	125.00
TOTAL						-125.00	125.00
Check	1653	03/25/2011	Emigrant General ...		Checking / B.O.R.		-310.00
					A11A. Fuel	-310.00	310.00
TOTAL						-310.00	310.00
Check	1654	03/30/2011	Alyssa Angelis		Checking / B.O.R.		-490.00
					C00-2 Gen Op/Sub...	-490.00	490.00
TOTAL						-490.00	490.00
Check	1655	03/31/2011	US Postal Service		Checking / B.O.R.		-17.03
					K07. Postage and ...	-17.03	17.03
TOTAL						-17.03	17.03
Check	1656	03/31/2011	Park County Clerk		Checking / B.O.R.		-38.00

**Glastonbury Landowner's Association**  
**Check Detail**  
January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL						-1,060.00	1,060.00
Check	1641	02/22/2011	xxx		Checking / B.O.R.		-250.00
					B03 Sanitation Bon...	-250.00	250.00
TOTAL						-250.00	250.00
Check	1642	02/25/2011	Park Electric		Checking / B.O.R.		-25.10
					D03A. Parkland Ele...	-25.10	25.10
TOTAL						-25.10	25.10
Check	1643	02/26/2011	James Kozlik		Checking / B.O.R.		-29.99
					K06. Office Supplies	-29.99	29.99
TOTAL						-29.99	29.99
Check	1645	02/27/2011	Pegasus Business...		Checking / B.O.R.		-598.60
					K02. Contractors - ...	-360.00	360.00
					K06. Office Supplies	-28.60	28.60
					K08. Monthly Board...	-210.00	210.00
TOTAL						-598.60	598.60
Check	1646	02/28/2011	Moodie Implements		Checking / B.O.R.		-487.31
					A06. Truck #1	-487.31	487.31
TOTAL						-487.31	487.31
Check	1647	02/27/2011	Standish Excavation		Checking / B.O.R.		-2,720.00
					A02C. High South ...	-2,720.00	2,720.00
TOTAL						-2,720.00	2,720.00
Check	1648	03/17/2011	Paul Rantalo		Checking / B.O.R.		-220.00
					A02A. North Glasto...	-200.00	200.00
					A02B. South Glasto...	-20.00	20.00
TOTAL						-220.00	220.00

# Glastonbury Landowner's Association

## Check Detail

January 2011 through December 2013

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
TOTAL					A02A. North Glasto... A06. Truck #2	-100.00 -20.00	100.00 20.00
Check	1627	01/08/2011	US Postal Service		Checking / B.O.R.	-56.00	-56.00
TOTAL					K11. Rent	-56.00	56.00
Check	1628	01/25/2011	Ed Dobrowski		Checking / B.O.R.	-380.77	-380.77
TOTAL					A02A. North Glasto... A02B. South Glasto... A06. Truck #1	-230.00 -80.00 -70.77	230.00 80.00 70.77
Check	1629	01/26/2011	Rich Spallone		Checking / B.O.R.	-380.77	380.77
TOTAL					A02C. High South ... A02G. Dry Creek	-2,662.50 -150.00	2,662.50 150.00
Check	1630	01/26/2011	xxx		Checking / B.O.R.	-2,812.50	2,812.50
TOTAL					B03 Sanitation Bon...	-150.00	150.00
Check	1631	01/26/2011	Alyssa Angelis		Checking / B.O.R.	-150.00	-150.00
TOTAL					C00-2.03 Office Eq...	-480.38	480.38
Check	1632	01/26/2011	Alyssa Angelis		Checking / B.O.R.	-480.38	480.38
TOTAL					K19. Quarterly New...	-345.00	345.00
Check	1633	01/26/2011	CST Consultants		Checking / B.O.R.	-345.00	345.00
TOTAL					A02B. South Glasto... A02G. Dry Creek	-1,020.00 -425.00	1,020.00 425.00
Check	1633	01/26/2011	CST Consultants		Checking / B.O.R.	-1,445.00	-1,445.00

9:52 AM

06/08/10

**Glastonbury Landowner's Association**  
**Check Detail**  
**May 2010**

<u>Ty</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Original Amount</u>
Ch	CHK	5/15/2010	Bank of the Rockies	Checking	-7,187.16
				A08. Road Improvement Loan	7,187.16
TOTAL					7,187.16
Ch	CHK	5/15/2010	Bank of the Rockies	Checking	-369.16
				A08. Road Improvement Loan	369.16
TOTAL					369.16
Ch	1514	5/4/2010	Denise Orr Kirk	Checking	-562.50
				K01. Contractors - Admin Sec	195.00
				J03.Policies & Procedures	150.00
				K19. Quarterly Newsletter	97.50
				K08. Monthly Board Meetings	120.00
TOTAL					562.50
Ch	1515	5/4/2010	Denise Orr Kirk	Checking	-25.00
				K11B. Storage/Boxes	25.00
TOTAL					25.00
Ch	1516	5/4/2010	DeerHeart	Checking	-187.50
				J03.Policies & Procedures	187.50
TOTAL					187.50
Ch	1517	5/5/2010	Paul Rantallo	Checking	-800.00
				A11E. Quonset Hut Asset Expense	800.00
TOTAL					800.00
Ch	1518	5/6/2010	Insty Prints	Checking	-36.90
				K19. Quarterly Newsletter	36.90
TOTAL					36.90
Ch	1519	5/12/2010	Town & Country F...	Checking	-35.80
				K18. Miscellaneous	35.80
TOTAL					35.80
Ch	1520	5/12/2010	Western States Ins...	Checking	-1,341.00
				K12A. GLA Board Liability Ins	1,341.00
TOTAL					1,341.00
Ch	1521	5/16/2010	Rich Spallone	Checking	-675.00
				A02C. High South Glastonbury	675.00
TOTAL					675.00

# EXHIBIT 12

Glastonbury Landowners Association, Inc.  
**Board of Directors Meeting Minutes - Final**

October 8, 2012

**CONFIDENTIAL – DO NOT COPY**

**4.4 Road and Weed Mgmt Committee Report – WS/RS**

Paul reported that it is time to take care of grading, however, due to the lack of moisture a water truck will need to be utilized. Road work is a necessity and budgeted funds are available. Paul also reported that at this time approximately 5 to 10 percent of the crack sealing has been completed. The board discussed that due to fire danger grass cutting along roads will not be completed this late in the season.

**4.5 Election Committee Report – SS**

Sheridan reported that 6 Nominations were received for NG and 4 for SG. The election mailing will be mailed out October 10th and will include the proposed 2013 budget. She also reported that the 2011 receipts/expenditure report will be included in the mailing, and noted that to vote in November owners must be current with assessments and not be on payment plans. She also reported that the O'Connells have requested to be on the Annual Meeting Agenda and this is intended to be reviewed at the November board meeting at which time the agenda will be finalized. Richard inquired about the current set up procedures to which Sheridan noted that set up will occur the night before and all are welcome to help at 7 p.m. at the Emigrant Hall.

**5. UNFINISHED BUSINESS**

**5.1 Executive Committee**

**5.1.1 2013 Draft Budget – SS**

Richard reported that the rough draft of the proposed budget, which was presented at the last meeting, will need to be reviewed and approved at this meeting.

**MOTION:** Gerald motioned and Sheridan seconded to approve the proposed 2013 budget. **Motion carried unanimously.**

**5.1.2 2011 Receipts and Expenditures report – SS**

Sheridan presented the 2011 Receipts and Expenditures report which will be sent to the membership in the October 10<sup>th</sup> mailing, pointing out that this type of report will now be sent to the membership in January each year in accordance with the Bylaws Article 8-F. Richard discussed the citation at the end of the report which discloses the amount paid on behalf of the association to defend the board members as provided for by state law. **MOTION:** Sheridan motioned and Sean seconded to approve the 2011 Receipts and Expenditures report. **Motion carried unanimously.**

**5.1.3 Dwelling Assessment per Covenant 11.03 – SS**

Sheridan reported on the review of the complaint from Charlene Murphy regarding dwelling assessments needed for guesthouses which was discussed at the last meeting. Sheridan discussed that legal counsel confirmed that the Covenants define a dwelling and the Master Plan does not change that definition, therefore, a guesthouse qualifies as a dwelling. Sheridan noted that the Bylaws article 12-D state the covenants control in the case of a conflict with the Master Plan. Sheridan discussed that it is in compliance with the Covenants to charge a dwelling assessment for guesthouses because they fit the criteria of a dwelling unit per covenant 3.12. **MOTION:** Sheridan motioned and Gerald seconded that all guesthouses are to be assessed one dwelling assessment per dwelling unit per covenant 11.03 to take effect January 1<sup>st</sup>, 2013 and to be announced in the November mailing. **Motion carried.** (Abstentions: Laura Boise.) Alyssa noted that this is going out in the mail for the purpose of gathering feedback from the membership prior to being put in place.

"Exhibit 12"

## Glastonbury Landowner's Association

## Receipts and Expenditures

January through December 2012

	<u>Jan - Dec 12</u>
F04. Miscellaneous	25.06
F00. Website - Other	80.00
Total F00. Website	<u>190.46</u>
G00. Liens	
G01. Lien Filing	336.76
G03. Administration	375.00
G04. Credit Report Research	60.00
Total G00. Liens	<u>771.76</u>
J00. Other Projects	
J03. Policies & Procedures	4,368.50
Total J00. Other Projects	<u>4,368.50</u>
K00. General Operating Expenses	
K01. Contractors - Admin Sec	285.00
K02. Contractors - Bookkeeper	2,227.50
K03. Contractors - Accountant	130.17
K06. Office Supplies	1,308.03
K07. Postage and Delivery	1,121.43
K08. Monthly Board Meetings	2,270.00
K09. Bank Service Charges	31.00
K11. Rent	
K11B. Storage/Boxes	125.00
K11. Rent - Other	375.00
Total K11. Rent	<u>500.00</u>
K12. Insurance	
K12A. GLA Board Liability Ins	1,341.00
Total K12. Insurance	<u>1,341.00</u>
K13. Taxes	336.60
K14. Licenses and Permits	15.00
K17. Equipment Purchases	243.50
K18. Miscellaneous	99.00
K19. Quarterly Newsletter	425.00
K30. Management Expense	13,232.70
K31. Late Fee Collection	136.55
Total K00. General Operating Expenses	<u>23,702.48</u>
M00. Annual Meeting/Elections	
M04. Postage and Delivery	370.85
M05. Refreshments	205.34
M07. Miscellaneous	15.20
M08. Copies	714.85
M00. Annual Meeting/Elections - Other	75.00
Total M00. Annual Meeting/Elections	<u>1,381.24</u>
Total Expense	<u>157,510.80</u>
Net Ordinary Income	<u>12,475.48</u>
Net Income	<u>12,475.48</u>





# **EXHIBIT 13**



ALFA INTERNATIONAL  
THE GLOBAL LEGAL NETWORK

Frederick P. Landers, Jr., Esq.  
Telephone (406) 922-4777  
[rlanders@axilonlaw.com](mailto:rlanders@axilonlaw.com)  
Also Licensed in Georgia

895 Technology Boulevard, Suite 102  
Bozeman, MT 59718  
Fax (406) 219-0733

December 26, 2011

Daniel O'Connell  
Valery O'Connell  
P.O. Box 77  
Emigrant, MT 59027

*Re: Glastonbury Landowners Association*

Dear Mr. and Mrs. O'Connell:

As you know the GLA Board of Directors recently adopted a conduct policy for their meetings which, among other things, prohibits the recording of Board meetings by anyone other than the designated minute taker.

I understand that you were asked to leave the **December 12, 2011** Board meeting after you refused to stop recording, and that you believe that recording is permissible under Mont. Code Ann. 45-8-213, which states that it is not a crime to record "persons speaking at public meetings." I believe your interpretation of this statute is incorrect. While the statute does state that recording such meetings is not a *crime*, it does not prohibit a body such as the GLA Board from adopting its own policy prohibiting such recordings. Moreover, it is my opinion that the GLA Board meetings are not "public meetings" for purposes of the statute. The GLA is a private, non-profit corporation established for the mutual benefit of its members, not the public generally.

Although the Montana Supreme Court has never considered this question, other courts have. Attached for your review is a case from Pennsylvania in which the court granted an injunction in favor of a property owners' association and against a resident who repeatedly violated the association's policy against recording meetings. I believe the facts of that case are quite similar to the facts here, and that the court's reasoning in granting the injunction was sound. The GLA is prepared to similarly enforce and defend its own policy.

Please govern yourselves accordingly.

Sincerely,

Frederick P. Landers, Jr.

cc: Richard Bolen, GLA President

"Exhibit 13"

**Glastonbury Landowners Association**  
**Policy**  
**Re: Board Meeting Conduct**  
**For Directors, Landowners and Guests**

This policy has been established so that the Board may accomplish its business in an efficient and constructive manner, while allowing for uninhibited expression, the free-flow of ideas, and harmonious interactions among all in attendance.

**By their attendance, at all meetings of the Board of Directors, all attendees, including Directors, Landowners and Guests, shall agree to conduct themselves according to the following guidelines:**

1. Respect each person's input.
2. Be patient and understanding.
3. Be honest yet tactful.
4. Be open to suggestions and other viewpoints.
5. Listen without interrupting or holding side conversations.
6. Stay focused and on-task.
7. Do not monopolize the floor during discussions.
8. Allow differences to surface and resolve conflicts immediately through honesty and a sincere effort to understand.
9. When there is a disagreement with a person's view, provide the alternative view without making the other person wrong.
10. Take adequate time to fully explore and understand an issue before coming to conclusions.
11. Focus on the facts and keep personal biases out of discussions and decisions.
12. Give others the benefit of the doubt, rather than assuming wrongdoing or making accusations without knowing the facts.
13. Refrain from derogatory remarks about others.
14. Address others in a considerate, respectful, non-accusatory, non-interrogative manner.
15. Refrain from any disruptive behavior or noises such as loud whispering, giggling, pacing, shuffling papers, exaggerated gestures or any behavior that distracts people's attention from matters being discussed.

**Landowner and Guest Participation:**

There will be a designated time for Landowners to provide input and make comments at every regular monthly meeting. At the beginning of each meeting the President or presiding Officer will inquire if anyone attending has come to contribute regarding an existing agenda item, or to propose a new one. The Board will then determine how to best handle each issue. At the Board's discretion, Landowners and/or Guests may be recognized or called upon during the meeting, when deemed appropriate given the business at hand. (Note: The Board follows a certain protocol for placing items on the Agenda, and Landowners are encouraged to submit any agenda item they wish the Board to review at least two weeks prior to the meeting using the Agenda Request Form for Landowners.)

**Recording:**

Due to the chilling effect that recording has on participation and the exchange of ideas, the Board has determined that the following will not be allowed by anyone in attendance unless given prior approval by the Board:

1. Photographing
2. Audio recording
3. Video recording

Only the Meeting Minute-taker is allowed to audio record the meeting for the purpose of ensuring accuracy of the meeting minutes. Any such recording will not be made available for any other purpose. The content of GLA board meeting audio recordings is the property of the GLA Board. After meeting minutes are approved by the Board, the recorded material will be overwritten, erased or disposed of.

**Enforcement:**

Attendees, including Board Members, who violate these guidelines and rules, or who are otherwise considered by the Board to be disruptive to the conduct of the meeting, may be given a warning by the Board and directed to cease such activity. If the attendee persists in his or her violation or disruptive behavior and/or activity, the presiding Officer may expel the attendee from the meeting and any future meetings as deemed necessary. If, after being expelled, the attendee refuses to leave, a Board Member will call the County Sheriff to have the attendee forcibly removed from the meeting.

Note: From time to time, this policy may be updated or revised by the Board.

# EXHIBIT 14

From: Daniel O'Connell <dco@mac.com>  
Subject: **Re: Motion to have Attorney Review**  
Date: July 28, 2011 2:55:13 PM MDT

To: Alyssa Allen <alyssa@imt.net>

Cc: Richard Bolen <richbolen@aol.com>, Laura Boise <auraboise@wispwest.net>, Janet Naclerio <jannac99@aol.com>, Sheridan Stenberg <sheridan.stenberg@gmail.com>, Gerald Dubiel <gpdubiel@yahoo.com>, Neil Kremer <NAKremer@aol.com>, Clare Parker <clareparker@ipara.org>, GLA secretaries, Paul Rantalo <PaulRantalo@mail.com>, William Smith <octagon@wispwest.net>, Rich Spallone <richspallone@aol.com>, Denise Orr Kirk <denisegla@wispwest.net>, charlene Murphy <charlene@wispwest.net>

Hi Alyssa and other members of the Board,

P.S. At this point, as you have seen for yourself, we have the following 9 votes in favor of hiring Rick Landers, and I am sure that Richard will fill us in with the costs:

Clare Parker  
Rich Spallone  
Richard Bolen  
Neil Kremer  
Laura Boise  
Sheridan Stenberg  
Janet Naclerio  
William Smith  
Alyssa Allen

No, I did not see Neil and Laura's vote. For my records, please send their votes to me.

In my first sentence I demanded to know (logically before the vote to hire Rick Landers was finished) what the costs of such services would be. Instead you have put the cart before the horse.

I didn't expect that you would have to abstain from voting to have an attorney help our entire board in this process, and

The Board Majority acted rashly in sending out to all landowners, the Notice to Remove me from the GLA. Now after such rash and allegedly illegal actions as are contained in the TRO, you look for legal advice. Again a prime example of why you should not put the cart before the horse. Such apparent example of incompetency is also why you are being sued. I did offer to help at our meeting of July 14. Such help was not welcome then, so why now?

I anticipate that you will be submitting your concerns and questions to him, just as any other board member would be free to do. Are you sure you cannot vote on this?

Actually what you said in your letter was "each Board Member may submit particular questions for the attorney to Richard who will then present these to Rick". So business as usual. Any and all questions by Board Members will be filtered by Richard himself. So much for freedom. In the past I have had my questions twisted around or denied altogether.

As a matter of fact, most of the time I spend doing things for the GLA is on a volunteer basis.

Besides your Managerial and Project Review Committee Chair position, exactly what other activities are you being paid for, how much are you being paid, and for how long have you been paid?  
As usual I was told By Richard and Sheridan at the July 14th meeting that it was not the time to answer such questions.

So is now a good time to ask such questions?

Regarding my independent contractor status, when I looked into this, I realized that my certificate had expired.

You did not look into this on your own. It took me bringing this to your attention, which should have been considered the duty of the entire Board. Instead I had to fight you Alyssa, Richard, Sheridan and others shouting me down and trying to stop me from even talking about this subject.

"Exhibit 1B"

Much like I got shouted down every time I tried to bring up possible conflicts of interest at the past four Board meetings.

As an FYI, I spoke with the Dept. of Labor Independent Contractor Unit, and they explained that my status as an independent contractor has been clearly demonstrated by my working from my home office and the way I have been running my business for the past 15 years, exemption certificate or not. But I am happy to provide this to the GLA for their protection.

Working from home is only one criteria. Without the IC certificate a person is clearly considered an employee. It is also important to have a specific contract for a specific length of time, and not one that is hourly based. All of which the GLA Board should have required of you. See my past emails on this subject.

Sheridan did research regarding Federal Labor laws and gave a report about this in February, and I thought you were going to help out by giving a report about State labor laws. But you were not present at the meetings over the winter, so I understand why you may think we haven't been working on this.

This Board knows full well, that I sent my research regarding the Independent Contractor matter to the entire Board prior to the April 2011 meeting and such research submitted by me was discussed at said meeting. Check the minutes. See the bottom of this email for my letter to the Board on this matter.

I hope you will participate in having your concerns addressed by this attorney, Rick Landers. My concerns have been ignored all along by this Board Majority. I have put my concerns before the judge (he is free) and my concerns are already contained in my lawsuit. You Board majority are the ones who made these mistakes, for which you did not heed my warnings, and for which you hopefully will pay for this lawyer and not penalize the Association. Thus, the association should not have to pay for your breach of duties, deliberate law violations, and disloyalty to the Association.

This Board Majority has abused me, retaliated against me, retaliated against my wife. In your retaliation you have stopped me from doing such Board duties as mentioned above, called me names, said publically in front of other landowners that I am untrustworthy for even doing the website.

And yet, over and over again you Board majority have proven that you are the ones that apparently cannot be trusted to follow GLA laws. You cannot apparently follow even the laws that you apparently quoted and read to remove me from the very Board I wish to save from your apparent illegal activities and incompetence. All of which amount to legal liability for the Association we are bound by a fiduciary duty to serve and protect.

For 20 months, I have not see any sincere attempts to investigate or atone from the many alleged wrongdoings on your part. Instead, your continued and alleged retaliation against me has replaced your ability to do so, which is unfortunate for our Association.

Sincerely,  
Daniel O'Connell

On Jul 27, 2011, at 6:26 PM, Alyssa Allen wrote:

Hi Daniel,

I am addressing this issue simply because I am a board member, and I consider this to be timely so I am taking some action.

I didn't expect that you would have to abstain from voting to have an attorney help our entire board in this process, and I anticipate that you will be submitting your concerns and questions to him, just as any other board member would be free to do. Are you sure you cannot vote on this?

About being paid, no, I am NOT being paid for making my motion or anything involved in handling this vote. As a matter of fact, most of the time I spend doing things for the GLA is on a volunteer basis.

Regarding my independent contractor status, when I looked into this, I realized that my certificate had expired. I have now had it renewed and I could not have gotten this to the board any sooner than today since I have just received the certificate today. As an FYI, I spoke with the Dept. of Labor Independent Contractor Unit, and they explained that my status as an independent contractor has been clearly demonstrated by my working from my home office and the way I have been running my business for the past 15 years, exemption certificate or not. But I am happy to provide this to the GLA for their protection.

I do recall that the Board has been working diligently on making sure that we are in compliance with labor laws. That is why we had been deliberating about employees vs independent contractors. Sheridan did research regarding Federal Labor laws and gave a report about this in February, and I thought you were going to help out by giving a report about State labor laws. But you were not present at the meetings over the winter, so I understand why you may think we haven't been working on this.





# **EXHIBIT 15**

- 27 -

**Glastonbury Landowners Association, Inc.**  
**Board of Directors - Meeting Agenda**  
**December 9, 2013 – 6:30 pm (open meeting: 8:00 pm)**

- 1. Closed Session**
  - 1.1 Orientation for New Board
  - 1.2 Discussion of lawsuits
- 2. Open Session (Begins at 8:00 pm) - Call to Order**
- 3. Set Agenda**
- 4. Approve Meeting Minutes**
  - 4.1 November 5, 2013 Board Meeting
  - 4.2 November 9, 2013 Annual Meeting
- 5. Visiting Landowner Input Period – (Limited to 3 minutes per owner)**
- 6. Officer and Committee Reports**
  - 6.1 Executive Committee Report
    - 6.1.1 Treasurer's Reports: Budget Variance, Check & Deposit – SS (2 min)
  - 6.2 Election Committee Report – SS
    - 6.2.1 Review Annual Meeting and Election Results – (2 min)
  - 6.3 Managerial Committee Report – AA (2 min)
  - 6.4 Road and Weed Mgmt Committee Report – SS/RW (5 min)
  - 6.5 Project Review Committee Report – AA/RS (1 min)
    - 6.5.1 Suggestion to inform adjacent landowners of project applications
  - 6.6 Website Committee Report – SM/Ross – (5 min)
  - 6.7 Governing Document Committee Report – AA (1 min)
- 7. UNFINISHED BUSINESS**
  - 7.1 Adoption of 2014 Budget – SS (1 min)
  - 7.2 Adoption of New Project Review Fee Schedule – AA (1 min)
  - 7.3 Hang Tag System for Vehicles accessing common use land – AA (1 min)
- 8. NEW BUSINESS**
  - 8.1 Establish Officers – AA (3 min)
  - 8.2 Review of Bylaws for Committees – AA (3 min)
  - 8.3 Establish Committees, Committee Chairs and Members – AA (5 min)
  - 8.4 Transition Time / Assuming Duties between Outgoing and Incoming Board – AA (3 min)
  - 8.5 November Letter from Bob Storey re: Accounting System Maintenance – SS (5 min)
  - 8.6 Paradise Valley Corridor Planning Study – AA (1 min)
  - 8.7 Determine Board Meeting Dates for 2014 and Annual Meeting – AA (3 min)
  - 8.8 January Newsletter – AA (2 min)
  - 8.9 Project Review Committee
    - 8.9.1 Lots 32-E-SG & 33-D-SG / Rolfe & Michem Boundary Adjustment – AA (2 min)
- 9. Comment Period for Visiting Landowners**
- 10. Adjournment**
- 11. Next Board Meeting: January (date TBD), 2014 at St. John's Church**

"Exhibit 15"

## Mark Your Calendars and Plan to Attend

The 2014 GLA board meeting schedule was finalized at the January 13, 2014 board meeting, and the Annual Meeting and Elections was set for November 8, 2014. With but a few exceptions the meetings are held on the second Monday of the month at St. John's Church (across from the Emigrant Post Office) at 7 pm.

### Monthly Board Meetings:

February 10, 2014  
March 10, 2014  
April 14, 2013  
May 12, 2014  
June 9, 2014  
July 14, 2014  
August 11, 2014  
September 15, 2014  
October 6, 2014  
November 3, 2014  
December 8, 2014

### Annual Meeting & Elections:

November 8, 2014

## Lawsuit Update

The Supreme Court has now ruled in favor of the GLA on the 3rd and 4th lawsuits which have had to do with the issues of 1) Minnick Management being hired as an agent; 2) the Erickson's variance project; 3) guesthouses being assessed as dwelling units; and 4) voting practices. Shortly following the Supreme Court's decision, the O'Connells filed a petition for re-hearing, which the Supreme Court has denied. So these issues have now been put to rest.

The first lawsuit, which was initially dismissed by the District Court, has been amended and is still in process. Though all of these lawsuits are covered by our liability insurance, we anticipate an increase in our premium and our deductible as a result of these legal expenses paid by the insurance company, now totaling approximately \$50,000. The board has budgeted for these increases in our 2014 budget.

The lawsuit documents are posted on our website so that any of those interested may review the filings to see the details of the cases.

## Policy for Length of Board Service

At the December board meeting, the board determined that in order to ensure a continuity of tasks being handled by board members and officers, it will not be until the first board meeting after the annual elections that out-going directors will relinquish their duties.

## Animal Owner Reminders

A HEADS-UP to all animal-owners. Per GLA Covenant 4.02, "Landowners desiring to raise or keep animals of any kind, including dogs and pets, must restrain them within their own land to insure they will not trespass on other parcels or adjoining roads or land. Landowners are solely responsible to insure that none of the animals kept on their land shall harass or threaten humans, livestock or wildlife or shall cause a nuisance of any kind...."

We are citing this covenant with the expectation that reports of dogs running loose on our roads and across private property will soon become a thing of the past.

## New GLA Website to be Functional Soon

The new GLA website is nearly ready to go on-line. Kudos to Ross Brunson, our Vice President and "technical advisor" who has been developing the new site. It is the board's intention to use the new website to significantly expand communications with landowners.

Immediate plans call for the board to enhance the previous site's set of information, reduce the steps needed to find information and add new features, functionality and information as appropriate. The board is considering how the site could be used for regular communications via blog posts or articles on the site, as well as encouraging landowners to sign up for e-mail lists that will distribute meeting notices, important updates and announcements.

At the committee level, the Governing Document Committee, for example, hopes to use the new web site as the vehicle to report to the landowners on their proposals and in turn receive input from interested landowners.

Board President Alyssa Allen calls this "one of the most exciting new developments for the GLA in a long time."

## New Project Review Forms

The board is pleased to announce that a major revision to our project review forms has been completed. The forms have been re-designed to make the project review application process easier to understand and have been simplified. The new forms packet is posted on our website ([www.GLA-MT.org](http://www.GLA-MT.org)) and may be downloaded as a PDF.

Please note that our Covenants require that all building projects, regardless of size, as well as improvements to property (such as divisions of land, boundary adjustments, wells, drainfields, driveways, etc.) be reviewed by the Project Review Committee and approved by the board prior to commencing work on the project. Applications should be turned in to the Project Review Committee at least two weeks prior to the monthly board meeting.

"Exhibit 15"

The GLA's official website is: [www.GLA-MT.org](http://www.GLA-MT.org)

