

## Minutes of BOD Meeting

with RM HOA attorney Lauren Carroll and Mr. Jerry Triplett

(lot 38/1977 River Mist Circle)

Date and Time 5/29/2024 at 1:00pm

Location: Carroll, Anderson and Foust  
918 W First North Street  
Morristown, TN 27814

Present: Jerry Triplett, Ginger Tomlin, Mike Etter, Clark Lindsay, Dave Baron (for "historical reference" per J. Triplett's request), Gil Sherrill, Bob Schumacher.

The meeting was called to review, discuss and resolve what seems to be a never-ending list of problems that Mr. Triplett has with how the RMHOA BOD and ARC conduct business. He continues to make false claims and accusations that the BOD and ARC are not working within TN State regulations..... that the BOD and ARC are working in "secrecy" and an unlawful manner.

It was asked and stated that the meeting was being recorded and minutes would follow for public record and documentation on the RM website as soon as available to post. Mr. Triplett asked that the minutes be verbatim, and was told they would not be. .

BOD chair, Ginger Tomlin thanked everyone for their attendance. She then welcomed Jerry Triplett to the meeting specifically and thanked him for keeping the appointment this time. She clarified for those attending that this meeting was to reach out to Mr. Triplett in hopes of answering his questions, addressing his concerns which then hopefully will allow him to move forward for the greater good of the RM community. She then thanked Ms. Carroll for allotting the time and being here to help answer Mr. Triplett's questions, concerns or complaints. Mrs. Tomlin then gave the floor over to Mr. Triplett to discuss his agenda and issues with RM HOA.

Mr. Triplett then asked everyone in attendance to state, "why they think he's a problem". As Mr. Triplett requested, each member present gave their reason or reasons as to why he is being "considered a problem" as he worded it. There was discussion about the fact he never accepts answers given whether from the ARC and/or BOD; constantly is looking for something to report on or question in his barrage of emails; always seems to have a multitude of problems to solve within the HOA but can never actually pinpoint the problem in order to get to a resolution. Mr. Triplett went on to give some history with his discontentment with RM and RM HOA that goes back to 2016 apparently with the original developer. It was suggested that maybe Mr. Triplett let go of any prior history and move forward working together with the current HOA members in hopes of building better relations here in our RM community. He then directly consulted with the HOA attorney regarding if the BOD and ARC are operating under and in compliance with TN

State Law for Non Profits. Her answer to Mr. Triplett was that she sees no wrongdoing within RM HOA and how it is conducting business. She also confirmed for Mr. Triplett more than once that the BOD and or the ARC both have the ability to make, vote and pass on decisions that do not require a 2/3's vote of property owners.....it was stated that if such ability was not possible, then most HOA's would never get anywhere much less exist, especially in the day-to-day operations. Mr. Triplett was reminded that committees must be in place to delegate such authority for/on RM property owner's behalf. That if property owners are not happy with their HOA representation of either actions or decisions thereof, then they have the option to step up and help serve their community as active members on a committee and make changes .....or exercise their voting rights at the next HOA meeting in order to make changes at election time as they see fit. It was stated that Mr. Triplett needs to stop trying to wedge apart River Mist and its residents. Mr. Triplett was reminded that many of the BOD and ARC have tried to talk with him, address his concerns and issues all to no avail and/or resolution, only to incite Mr. Triplett to continue his false accusations and constant barrage of correspondences. Several attempts were made to ask Mr. Triplett to stop this ridiculous nonsense, to stop tearing neighbors apart and find some peace..... to be able to move on as a productive member of RM. Several meeting attempts outside of the attorney's office in the past were offered to sit down and discuss Mr. Triplett's discontent with RM's HOA, however most were refused. One was accepted but only later to have Mr. Triplett withdraw from the agreed meeting to the BOD's dismay and frustration.

There was some general discussion about the backflow preventer for the sprinkler system at the entrance to RM, county requirements, and needed repairs or possible replacement. Mr. Triplett proceeded to request a water "run-off plan" for River Mist but was once again told none exists. This item of discussion was not on the agenda and had been requested by Mr. Triplett before, knowing that resources have been exhausted and researched to find one does not exist for River Mist on the Holston. It was not made clear by Mr. Triplett as to why exactly the need or continued request for this water "run-off plan". It was suggested Mr. Triplett move along to hopefully address his agenda items within the time remaining,

Mr. Triplett then wanted to discuss setbacks, lot lines, and roadways in RM and the language in the current Restrictive Covenants (RCs). It was again unclear what the objective or issue was with this agenda item, or what exactly was the issue. It was asked of Mr. Triplett, if it has any relation to recent complaints and demands from another property located off Buck Hollow Rd. Mr. Triplett would not confirm nor comment and was then asked to move on unanimously from the group (apart from the HOA attorney- she remained neutral throughout the meeting). There was extensive discussion about home placement on lots. It was ultimately decided to leave the wording as written in the RCs. It was also noted that Mr. Triplett intentionally (his words) has waited until deadlines have closed or passed on requested comments and suggestions for the revised RCs to send in his own comments, suggestions and or complaints of how it is written or reads. He openly and proudly once again admits to being intentionally arbitrary with his barrage of correspondences..... especially knowing the time to submit, inquire, help or resolve has passed. When asked why

concerning this defiant, childlike behavior, he only smiles and gives no comment. Again, it is suggested he move along to other agenda items with respect to allotted time.

Mr. Triplett asked the group to define what the “architectural theme” is for the neighborhood...of River Mist. Discussion soon followed regarding the ARC and how it functions. It was (majority) agreed that the ARC needs latitude in making decisions about things not spelled out in the Restrictive Covenants which is exactly why the current RCs give the ARC and BOD the ability to make decisions and vote on. Ms. Carroll confirmed again that she sees no problem here- that the ARC and BOD are and have adhered to TN State Rules and Regulations in daily operations and overall rulings.

Mr. Triplett brought up the issue he has with River Mist not electing to “approve” builders any longer. It was stated and discussed that it is procedure to require a copy of the builder’s license and sufficient insurance for lot submission records and approval. It was also stated, discussed and agreed that by stating RM HOA must approve a builder first is possibly opening the HOA up for a lawsuit for discrimination. Again, the majority agreed that this was best for RM HOA – to not consider “approving” builders for RM. Homeowners will need to do their own due diligence concerning builders they chose to hire. The HOA will process submission without the requirement of “builder approval” moving forward. However, submitting a current builder’s license and a sufficient insurance certificate with the ARC submission form will still be a requirement for consideration of house approval.

Mr. Triplett commented that he was asked more than once and by many ARC and BOD members to be on the ARC and seemed confused as to why then he was “thought of as a problem”. It was agreed and confirmed that he indeed was asked by many and on numerous occasions and also highly encouraged to join RM HOA committees, to give him a better insight at what/how things are and do operate, to help build on better relations with current, past and present members/neighbors and to maybe better use his time for more positive things within RM- to try to work with the ARC and BOD, instead of what seems to be vehemently against the HOA.

Mr. Triplett then moved on to inquire about HOA members and compensation - is it legal to pay or reimburse a member for duties or jobs completed? Ms. Carroll, the HOA attorney, agreed to do some research on whether we can “reimburse” an HOA member for duties performed, or how to correctly structure the treasurer’s duties if the HOA decides to outsource a treasurer. It was stated as a reminder to Mr. Triplett that the HOA is made up of members who are residents of RM and their service is voluntary - a dedication and sacrifice given to our RM community. To also remember there are 7 individuals on both committees- that is 14 individuals working together for the better of RM - not one or two members or individuals running RM as he has stated and falsely accused. Mr. Triplett was reminded that not all 7 of each group are always in agreement with each other, however it is a choice made by these members to agree to disagree at times, maybe listen and learn from the other “side” and grow themselves, but more importantly learn to put self aside and work together to help RM thru these “growing pains”.

Mr. Triplett then brought out a copy of "What Every Board Member Should Know" prepared by the TN Secretary of State. He further proceeded to ask those in attendance if they had even seen/read such reference material- if HOA members are aware of their duties and responsibilities? Discussion from Mr. Triplett quickly diverted to asking the HOA attorney if she sees anything wrong with how the HOA is currently and has been operating. She, once again directly answered Mr. Triplett, by stating both the ARC and the BOD from her standpoint have been and are operating under and in accordance with TN State Law.

Mr. Triplett's next subject of contention was to state that the BOD and ARC are reversing decisions made at annual meetings. This reference is regarding discussion and decision made at the annual HOA open meeting last October (2023). Dave Baron also commented on this subject that to maybe help "keep down gossip and rumors from one house to the next" within RM to post vote count and as to how each member voted on both the ARC and BOD committees. Mr. Baron brought up publishing BOD votes so all members can know how things are decided. It was then noted and discussed that this request of posting these votes was simply an oversight from the October 2023 meeting and it will be "documented" and posted as "public" moving forward. After careful discussion and consideration, it was agreed that votes would be published on each RM submittal going forward (from 05/29/2024), however the ARC names will not be disclosed – only the actual ARC vote count will be given. This is at the request of other members to remain anonymous on votes in hopes to keep animosity down amongst friends, neighbors, and community.....but also noting not to list names with votes because the ARC is a nominated committee and not elected. It was also agreed that the BOD vote count, along with how each member voted will be documented and made "public" moving forward (BOD is elected therefore all agreed votes should be "named").

Mr. Triplett also made the request that he be disassociated with Wally Godby and or with the issues or problems stemming from Wally Godby past, present or future. He vehemently denies any contact or association with Wally concerning any HOA issues or problems he is having. Before the topic at hand got out of control, it was suggested by Gil Sherrill that we spend most of our time dealing with his set agenda and time remaining. Mr. Triplett was asked to stop with the sarcasm and philosophical rhetoric and be more concise with his questions and concerns- to make the most use out of time remaining and moving forward.

Mr. Triplett also questioned whether the BOD should have the right to make special assessments. The majority agreed they should. It was stated that most HOA's have such a clause already in their RCs. Language regarding assessments has been clarified and strengthened in the revised RCs recently mailed out to RM HOA for review and vote.

Mr. Triplett indicated again, he thinks the BOD and ARC have been and are in violation of state law. Ms. Carroll stated firmly and repeatedly that she sees no reason for

concern - that the RM HOA ARC and BOD are adhering, working and following TN State law and requirements. She mentioned to Mr. Triplett her notes to research the inquiry on reimbursement to a HOA member and that she would get back on those notations. Ms. Carroll then thanked everyone for coming and excused herself to set up for her next scheduled meeting of the day.

The meeting with Ms. Carroll (the HOA attorney) ended about 2:25 PM as scheduled. Other attendees, including Mr. Triplett, stayed as requested for a few moments longer in hopes of further discussing with Mr. Triplett his issues, resolutions and how to move forward with more understanding and with "being a good neighbor" for all involved.

All other attendees left about 2:50 PM.

Notes to minutes:

Meeting was intended to be recorded, however the app used to do so malfunctioned, so no recording is available.