

February 13, 2017

TO: White Bluff Property Owners  
FROM: Your Board of Directors  
Leonard Critcher, President  
RE: Double Diamond Called Meeting- 02/15/2017  
Temporary Restraining Order

The WBPOA pleadings asking the Hill County 66<sup>th</sup> Judicial Court for a Temporary Restraining Order against Double Diamond and its unilaterally-called meeting of property owners was heard by the judge this morning at 9:00 AM. After hearing arguments from counsel for the WBPOA and the attorney representing Double Diamond, the judge granted the WBPOA a temporary restraining order.

The WBPOA arguments that were presented are summarized below:

1. Special meetings of property owners shall be held when called **by written request** to WBPOA.  
*Double Diamond made NO written request to the WBPOA.*
2. Double Diamond has not presented evidence that it holds 20% of the votes necessary to request the calling of a special meeting of the members.  
*Double Diamond had not provided any writing signed by Members holding 20% of the total votes requesting a special meeting.*  
*Article Eleven, Section 6 of the By-Laws requires all proxies to be **"filed with the Secretary."** Double Diamond filed no proxies with the Secretary.*
3. It is the association, not Double Diamond, that sets and notices meetings of the members.  
*Article Nine, Section 8 of the By-Laws stipulates that the **Secretary of the Board of Directors of the Association "shall give, or cause to be given, notice of all meetings of the Members."***  
*Double Diamond's unilateral noticing of the meeting made it impossible for the WBPOA to set certain voting standards.*  
*There was no evidence that the notice of the special meeting was given 15 days before the meeting date to ALL Members.*

The court was presented with the **Required Special Meeting Process**, as follows:

Members provide a written request for a special meeting signed by 20% of the votes to the Secretary.

The Secretary verifies the written request.

If the written request is verified, the Association calls the meeting and the Secretary notifies it to Members.

***None of the above was conformed to by Double Diamond.***

#### **Status of the Double Diamond Called Meeting**

**The Temporary Restraining Order makes it clear that there can be NO meeting on 02/15/2017 at which ANY POA business can be conducted.**

**If Double Diamond chooses to proceed with the meeting they unilaterally called in violation of our governing documents, NO POA business can be conducted nor any business binding on property owners.**

**If Double Diamond chooses to announce it wishes to proceed with the meeting, representatives from the WBPOA Board of Directors will attend as “invitees” and will record any non-binding and non-permitted discussion for distribution to any interested property owner.**

**If Double Diamond chooses to announce it wishes to proceed with the meeting, it is solely the decision of property owners to decide on their attendance at the meeting.**

**A copy of the [Temporary Restraining Order](#) is posted on the WBPOA website.**