

**EAGLE BEND WEST ASSOCIATION**

**ZOOM MEETING**

**SPECIAL BOARD MEETING**

**July 26, 2024, 4:00 P.M.**

President Dena Brunskill called the meeting to order via ZOOM at 4:00 p.m. Board members Chris Walthall and David Conti were available via ZOOM along with Dave Robert Property Manager and Buggy Yarbrough Recording Secretary.

President Dena called this meeting to address the Board on information she had received regarding a vote that that taken place at the Board meeting held 7-16-2024. At that meeting the Board had approved in a vote 2 in favor and 1 opposed to allow Mr. Sanders a variance that would allow him to build on Association property. Due to the fact that it was not a unanimous decision by the Board, President Dena immediately on July 16, 2024, called the Associations attorney Paul Sandry and asked him for a ruling before the variance was announced to Mr. Sanders.

A letter was written to The Board by Mr. Sandry with his decision regarding this matter. This letter was also shared with Stuart Cole who has decided to run for the Board in August 2024. Mr. Sandry stated in his letter that it was his opinion that the Board in and of itself is not empowered to allow a homeowner the exclusive use of Association property, which could be the effect of eviscerating set back standards and allowing construction on Association property.

The Board is now seeking the homeowners to vote allowing permission to Mr. Sanders to build on the Associations property but that will take 67% of the homeowners to vote yes. Mr. Paul Sandry has written a letter to Mr. Sanders attorney stating that the construction on the Association's property needs to stop and wait for the membership to vote on this matter, and this letter was written on July 25, 2024, and delivered via email to his attorney. (See attached Letter)

A few in the community have accused the Board of showing favoritism toward the homeowner and this is simply not the case. The Board has followed all the correct legal paths to get clarification. The Board has not had any communication with Mr. Sanders regarding the previous vote, nor given him permission to proceed with building, and they have not had conversations with him regarding the Associations legal counsel, Mr. Sandry's, opinion. This Board has made every attempt to accommodate Mr. Sanders and educate the community about the situation. Dave Roberts said that he had driven by the construction site and informed the Board that new footers had been poured on the Association's property. The Board was not aware that this had taken place.

Chris Walthall made a motion that the Board resend the vote allowing Mr. Sanders a variance based on the decision by EBWCA legal counsel, Mr. Sandry. Dena seconded the motion and the Board voted with all in favor. Motion passed.

The Board will begin working on drafting up the vote to the homeowners. This can be done electronically. Mr. Sandry will give the Board counsel on timeline, and what is needed for the community to understand the issue

Adjourn 5:00 p.m.

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Dena Brunskill, President

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David Conti, Treasurer

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July 25, 2024

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Re: Eagle Bend West Community Association, Inc.  
Stephen Sanders, SBH Family Trust

Dear Tere:

I just received an email thread from Eldon "Chris" Walthal in connection with my representation of the Association. The email string follows the quiet title decree relative to the Association community properties, including roadways and questions as to authority to alienate Association property. As I believe you are aware, we have concluded based on the governing documents that members of the Association would have to approve a transfer or other encumbrance of the Association property, and neither a Design Review Committee nor the Association's Board, in and of themselves, have such authority.

It appears from the email thread that Stephen Sanders intends to continue with construction of a porte-cochere which encroaches on Association property, all under the notion that a Design Review Committee and/or Board approved construction of the porte-cochere last winter. Please note that while the design of Stephen Sanders' construction may have been approved, I am unaware of any action definitively granting Stephen Sanders' Trust any interest in the Association's property. In fact, while members of the Board sincerely wished to accommodate Mr. Sanders, it has become clear, primarily through the quiet title process, that a requisite vote of the members is required.

Based on the foregoing, should Mr. Sanders continue construction activities on the Association property, there is a real risk that it will simply need to be removed. In order to avoid that scenario, we are imploring Mr. Sanders to hold off on construction efforts pending submitting the issue to the members for a vote.

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Sincerely,

Paul A. Sandry  
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PAS/kjs