

**Attorney Emailed opinion on Erickson & O'Connell's voting as members in good standing  
November 7, 2018**

**From:** Tyler Mallowney <tmallowney@bozeman.legal>  
**Sent:** Wednesday, November 7, 2018 3:08 PM  
**To:** leo.gla akwildlife.com <leo.gla@akwildlife.com>; board@glamontana.org;  
charlenegla007@gmail.com  
**Subject:** RE: [GLA Board List] FW: Quorum

All,

Based on a plain reading of the covenants, I do not believe you should prohibit the O'Connell's or Erickson's from voting. Unless noted otherwise, it does not appear either are currently in violation of the covenants, nor have they received notice of such. If either are in violation of the covenants, they should be provided notice of the violation and their status as "a member not in good standing". Further, unless the legal fees and variance fees are owed as the result of an assessment (which it does not sound as though that is the case), then they should be considered "current" for purposes of assessments to the Association.

Best,

Ty

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**From:** leo.gla [akwildlife.com](http://akwildlife.com) <[leo.gla@akwildlife.com](mailto:leo.gla@akwildlife.com)>  
**Sent:** Wednesday, November 7, 2018 11:09 AM  
**To:** [board@glamontana.org](mailto:board@glamontana.org); [charlenegla007@gmail.com](mailto:charlenegla007@gmail.com); Tyler Mallowney <[tmallowney@bozeman.legal](mailto:tmallowney@bozeman.legal)>  
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Tyler has not addressed debts to the GLA other than Assessments impacting the Member in Good standing - i.e. Unpaid Assessments = Not in Good Standing; Court awarded attorney fees or AGREEMENT on project completion costs not being paid = **Not addressed/included in Covenant statement.**

**3.19. Member of the Association in Good Standing.** *A member of the Association that is **current in the payment of all assessments to the Association and is not in violation of these covenants.** A member in good standing is qualified to vote as provided herein and in the bylaws and rules of the Association.*

Though I believe the intent of 3.19 addresses even minor violation any money owed from any source, that has not been applied for numerous years by past Boards. Considering past actions and past discussions, I do not believe it appropriate to consider Erickson or O'Connels as not in good standing due to variance or court awarded debts.

Leo

On November 7, 2018 at 6:47 AM [charlenegla007@gmail.com](mailto:charlenegla007@gmail.com) wrote:

Leo, Regina and Board,

The list has 73 people owing money. Erickson owes Variance fees. O'Connell owes legal fees. Are they eligible to vote? We let them vote in the past with this money owed. We are asking Tyler about these outstanding debts. Since we haven't voted them as 'Members Not in Good Standing 'due to these monies owed I think they can vote. Is this correct?

If they can vote it doesn't change Quorum.

$400-71 = 329$ .  $329 \times 25\% = 82.25$ . Rounds to 82 people for quorum.