

**CONDOMINIO HORIZONTAL VERTICAL RESIDENCIAL DOLCE VITA.  
3-109-482971**

On February 3rd of 2015, being present and Midtier Creekside Ranch of Condominio Horizontal Vertical Residencial Dolce Vita, at Playa Ocotal, Guanacaste, at 10:00 am, the first call for the Condominium Meeting is made and it does not meet the necessary quorum. At the same date, at 11:00 am the second authorized call is made and there being forty one units represented, either physically or by proxy, the Session is opened.

To keep the order, the rules to speak up are provided in general to all of those present.

The assembly is started and the first point is taking to vote for the President and Secretary Ad Hoc (for the meeting). Mr. Elliot Hervei (names) Velleman (lastname) with a single lastname due his United States nationality, legal age, married once, passport number 219559707, domiciled at Guanacaste, Playas del Coco, Condominium Dolce Vita, unit number 8006, is nominated as president and Mrs. Ann Isabel (names) Lawson (lastname) with a single lastname due her Canadian nationality, legal age, veterinarian, domiciled at Guanacaste, Playas del Coco, Condominium Dolce Vita, unit number 7044 for Secretary, both nominations are seconded and voted unanimously by the present quorum.

Elliot as president continues on and carries the meeting.

**Point two:** Authorization for the meeting to take place in English. As the majority of the owners are English speaking, and the notes are taken in English, it is proposed, seconded and accepted unanimously that the minutes are taken in English, to be registered in Spanish as per Costa Rican law.

**Point three:** the participants of the Assembly are introduced one by one. Brian Hammond then takes the floor, to show everyone the finding of a water disponibility letter that was found recently on the Municipality file for the condominium. The letter is dated 2005, with a stamp from the Municipality of 2008. Brian explained that this letter was shown to him by the engineer in charge presently at the Municipality. He had mentioned to Brian that he was going to try to get this information cleared with the AyA representatives, but wanted Brian to know that it might not work because of the technical situation known to everyone.

Brian also mentions and reminds all of those people present to remember to pay their property taxes, which can be done at Luperon or at the pharmacy, as all property taxes must be paid for permits to go through. It is also mentioned that the permits being issued are ONLY for the building and not the pools and ranchos as those are still in process for technical changes. He wants to make sure this is recorded and taking into consideration by all owners.

In conclusion, it is determined that this letter is irrelevant, and that it will not help the process, but that it is important that people understand that is the case.

**Point four:** Discussion over the state of the condominium during 2014. As Ashod Mortissan, the current president is not present at the meeting, Debi McLaughing takes the floor and presents the report for 2014. She then provides everyone with a small background of what has happened even before 2014. She is glad to report the improvement on services in the area, the way everything has grown and it has become more accommodating in general, and how hard it was at the beginning, with very little services being provided and easily tracked for those that were abroad. All of that of course has changed. For 2014 specifically, some of the needs of the condominium were not properly covered as the condo fee has not being raised since 2008. This year the accountant was changed, as the condominium was using the same person since 2011 and needed to improve the service, which it has since the change was made to MV Contaduria. Now there is the online access for the accounts, and payments have being made easier, faster and much more efficient to track. The accounts have being divided: reserve funds, expenses, condo fees and taxes are separate, all of that has helped to keep better track of what people pay, when and where, as well as funds coming out of the accounts. The security company was changed, and the gardens are still maintained by Roberto. Coco Blue from the pool services are now coming in and maintaining the pools, which are in perfect state now. The water issue is still a problem, but the service at least has been improved, and there are lesser fights regarding water. We still have reserve tanks and there is a submergible pump in place now which is giving us a better service. As for the legality of the service, the water trust has being the way to solve the legality of the issue, and as you remember this was voted upon on an extraordinary meeting in February of 2014. We hope to obtain the permits as soon as possible, but we still do not know when that will happen. We are however taking into consideration what is most important for all of us: our interest, investment and to provide the best solutions possible. For the future, please take into consideration that since Brian is here year round, this has helped a lot, and has improved our information a lot too. As someone that is here permanently, who has interest in the property, and that now has his own business, legally registered, we have made it our goal to make the changes and make sure we have a legal service, that is professional and also permanent, and that is going to centralize all the services that we need, from security to maintenance. We hope that you take into consideration all the work that has being done.

**Point Five:** Discussion of the Costa Rican labor laws. The president request that Edry Mendoza from Mendoza Law takes the floor. Edry explains the importance of the correct registration of those people working at and for the condominium, and the legal consequences and liability that the condominium may have. He explains that even if the agreements are of "professional services", with certain circumstances those agreements are still considered an employee relationship

and therefore all the social security requirements apply. By having an administrator and a company that does the management, the condominium will not be directly liable.

**Point Six:** Brian Hammond takes the floor to present and talk about the Property Management Company and the service to be provided. He explains a little of the history on the matter and what was decided that should be done. He mentions that back in 2010 it was first discussed and that it was determined it could not be done at the time. Nowadays, he is a legal and permanent resident with no restrictions to work in the country and has formed his own Property Management company and since 2014 he had talked to Ashod Mortirosan as the sitting president, and had communicated of the decision to form his own company. After that a lot has progressed, and changes have been implemented. Why not hire someone else??? Because his interest comes mainly from the perspective of an owner within Dolce Vita. The service may feel new but how to execute it correctly is what is important and that complies with the needs of the condominium, also, considering that the Board of the HOA can then start doing what they need to do, which is to inform and decide for the HOA and not manage the property, and the manager will take care of all the obligations and needs directly.

Disadvantages: the language barrier though he understands a lot and when he doesn't there is someone usually that helps him with translation (Tito mainly).

He requests that any instructions to the employees be directed to him and he will take on the issue with them. Roberto and his role as an employee, a supervisor and a partner to Brian and in Brian's corporation.

Brian explains the structure of his Company. He also passes on the accounting information of the corporation together with the condominium expense records. Basic information on the expenses is provided.

**Point Seven:** Discussion of the actions taken to collect late fees: the Gomez & Eras representative presents the administrative and judicial processes and explains to those present what the process is about and what is being done. She explains the delays, the suspension because many have chosen once notified to make the payments and avoid foreclosure, and what is being done to accelerate the processes.

A report on the present and active processes is attached to the minutes.

A 25 MINUTES BREAK IS PROVIDED FOR LUNCH AT 1 PM.

SESSION REOPENS AT 1:25 PM.

Point Eight: the president takes the floor and proxy ballot questions are read and explained one by one. Questions and votes are as follows.

1. In the event that the cost of permits and fines exceed the amount remaining from the permit assessment, should the homeowners association use the reserve fund to pay for the permits with the understanding that no future discretionary funds will be authorized until the reserve fund is returned to a legal level? YES PASSES unanimously.

2. Should the homeowners association invalidate the prior AGM vote to charge rent for property that homeowners have been using for personal use? YES PASSES unanimously.

3. Should the homeowners association determine common use good for said property or demolish the construction? Majority of presents votes plus minority of proxies Common use passes.

4. Should we set the board mandate start date to February 28 for this and every future elections to give sufficient time for the new board to get registered, so the HOA will not end up in a limbo before the registry will show their names? YES PASSES unanimously.

5. If the homeowners association is required to take ownership of any property that is required to pay dues, should those dues be waived until the association is able to transfer the title? Yes passes by majority

6. If and when the homeowners association is required to pay delinquent taxes for its members in order to obtain permits, should the homeowners association be allowed to take legal actions against the homeowners involved to recover the funds? YES PASSES unanimously.

7. Should the legal process for delinquent dues include an attempt to request that the Court award the homeowners association substantial monetary penalties against the homeowner? YES PASSES unanimously so that the interest rate that can be used is the commercial interest rate.

8. Should the homeowners association establish a committee of 3 that reports directly to the membership to coordinate all future permit and water issues, that will be appointed by the President? YES PASSES unanimously.

9. Should the regulations supporting the bylaws of the homeowners association be ratified by this assembly with the understanding that further changes must be presented at a future general assembly or extraordinary meeting?

Yes passes by majority

10. Should the homeowners association allow homeowners to request a voluntary assessment not to exceed \$700 per unit annually to insure a building against natural disasters as part of a standard INS insurance policy? Sacar un cotización para el insurance Yes passes by majority

**Point Eight:** The last proxy ballot question is to be reviewed together with the 2014 and 2015 budget revision.

Point Nine: Voting and designation of the new board. Election of the officers

Per proxy ballot, officers were nominated as follows:

**President:** Sam Siamak (names) Maghazei (lastname), with a single lastname due his United States nationality, legal age, single, administrator, passport number 433939483, domiciled at 11373, Charnock Road, Los Angeles, California, 90066.

**Secretary:** Lewis Louis (names) Koontz (lastname) with a single lastname due his United States nationality, legal age, married, passport number 160401204, domiciled at 182 Koontz Rd, Mocksville, N.C, 27028

**Treasurer:** Ashod (name) Martirosian (lastname), with a single lastname due his Canadian nationality, legal age, married once, business man, passport number QC825696, domiciled at 48, Ave 16, Roxboro, Quebec, H9Y3A2

Any further nominations are requested and no volunteers or nominations are provided. Mr. Sam Maghazei takes the floor and says that his intentions as president are to be as transparent as possible; he would like everyone to be involved and have different committees for each of the processes within the HOA. He would like to send out a trimester report of the accountings for example and form a financial committee for collection processes and other expenditures. Then Mr. Koontz takes the floor and in a very brief speech he says that his main goal is to make sure that all collection processes are done as fast as possible and that owners are in full understanding and hopefully not late. As there are no more comments or questions to the nominees and as Mr. Ashod Mortissan is well known to everyone, the vote is taken and unanimously by those present as well as the proxy vote the Board is established as aforementioned.

**Point Nine:** It is decided that at this point in the session the expenses for 2014 are to be reviewed. Mr. Brian Hammond passes the report of the 2014 expenditure and the information is discussed for what was spent. The adjustments are also talked about. (The report is attached as Exhibit in the records of the condominium)

**Point Ten:** Discussion and approval of the 2015 Budget. Debi, as treasurer takes the floor and explained that the information is very similar to 2015. But it is important to take into consideration the adjustments made and the expenses foreseen by Mr. Ashod Mortissan as the president for 2014. It is also explained that part of the payments are covered because people pay in advance but that is not the way to do it and it might catch up with the expenses, so a raise is necessary and it is requested to all owners to please understand that the expenses must be paid as up to date as possible.

The raise requested by Mr. Mortissan is of USD\$200 per month.

The last question on the proxy ballot authorizes the raise: 11. Should the homeowners association adopt the President's budget for calendar year 2015 as the financial document defining the HOA operating plan including any changes

agreed to at the annual general meeting? with a unanimous YES vote of proxies. It is explained that therefore, the vote of the majority present will have the proxy votes added to it. There are three motions for the amounts for the raise, and all are second.

1. \$190 monthly
2. \$180 monthly
3. 175 monthly.

Present votes are as follows: 8 for 190, 9 for 180 and 3 for 175. Therefore the 180 has the most votes of present voting and it gets the proxy votes added, thus the motion for \$180 a month is carried. As the charge for \$200 has being done for two months, there is a motion to give the credit of the \$40 dollars difference to those already paid, which is seconded, voted and carried unanimously by those present.

There are no more questions for the new Board members and no other comments by those present.

Point Eleven: Authorization to register the minutes and take them to the Registry. Both Maria Gabriela Gomez Miranda and/or Jacqueline Eras Martinez as public notaries are authorized to make the registration. The meeting is adjourned at 03:35 pm.