

## THE FOURTEEN ACCOMPLICES

The Bella Vista Homes Homeowners Association (“**BVHHOA**”) is an Oregon nonprofit mutual benefit corporation with members.

From April to the end of December 2024, fourteen BVHHOA members (the “***Fourteen Accomplices***”) who were on the Board, the Architectural Control Committee (“**ACC**”), and the Carino Committee were engaged in policy-making related to Carino Lane.

The *Fourteen Accomplices* were responsible for the protection of Carino Lane, and they had the authority and means in the BVHHOA Declaration to fulfil this duty; **but they did not.**

The Board’s 2024 minutes explain what the *Fourteen Accomplices* did, and did not do: <https://www.bvhaccess.com/board-minutes>

The Board’s minutes divulge the *Fourteen Accomplices*’ names as:

*J. Wright, C. Hansen, M. (by phone) Wilson, D. Dollard, E. Guerrero, Judy Henderson, Ria Cordeiro, Dana Henderson, Bruce Nelson, David Swearingen, Rebecca Hinks, Michael Menefee, Paul Faubion, Laura Wilson.*

Together, the *Fourteen Accomplices*, with the help of bad professional legal and geotechnical advice, failed in their duty to **(1)** protect Carino Lane and **(2)** prevent the January 2025 collapse of Lots 70, 72 and 73.

The January 2025 collapse was caused by **(1)** Southridge Builders LLC's April 2024 removal of the buttress that gave essential lateral support to Carino Lane, and **(2)** Southridge Builders LLC's failure to protect the exposed Lots 70, 72 and 73 from erosion. With no lateral support from a buttress, Carino Lane collapsed on January 2025.

An HOA's Board and its established committees are officers of an Oregon nonprofit corporation.

Accordingly, in the performance of their duties, Board and Committee members must comply with: **(1)** Obedience to the Rule of Law, **(2)** Loyalty to the HOA, and **(3)** Due Diligence or Due Care in the execution of their duties.

**The *Fourteen Accomplices* did not comply with their Due Diligence duties.**

Other than unusually heavy rains (like the 2011/2012 winter), or a 8.3 inch "snow-bomb" (like the 2016/2017 winter), the collapse of Carino Lane on January 2025 was **preventable** if standard erosion prevention methods had been on Lots 70, 72 and 73.

**But none were:** Southridge Builders removed all erosion prevention methods from Lots 70, 72 and 73, and did not replace them, and the Fourteen Accomplices failed their Due Diligence.

The Board's 2024 minutes ( <https://www.bvhaccess.com/board-minutes> ) show that the *Fourteen Accomplices* spent eight months just talking about Carino Lane while, all the time, with no buttress, Lots 70, 72 and 73 were slowly deteriorating, and vulnerable to another winter landslide.

The *Fourteen Accomplices* failed to perform Due Diligence even when, by August 18, 2024, at the latest, the Carino Committee had received emails and documents that described the geotechnical facts of Lots 70, 72 and 73, and the preventative measures for landslide-prone soil slopes.

The *Fourteen Accomplices* compounded their Due Diligence failure, when they firmly ignored all the documentary material that defined the methods for controlling erosion on slopes of disturbed soil.

**Moreover, the Board repeatedly failed to comply with the Rule of Law.**

For example, the Board failed to hold an Annual Membership Meeting (“AGM”) by December 1, 2024.

Thus, both Mr. C. Hansen and Mr. E. Guerrero, **were not termed-out** at an AGM in accordance with the “Second Amendment to the Bylaws” (Bylaw 3.2) that was passed at the Turnover meeting on 3/5/2024; instead, Mr. Hansen and Mr. Guerrero illegitimately remained in office.

When Mr. D. Dollard resigned, there was no longer a quorum of legitimate Board directors.

The Board has been illegitimate ever since December 1, 2024, and all the Board’s resolutions, including appointments, contracts, agreements, etc., the Board made since December 1, 2024 **are illegitimate**.

Another example of the Board’s failure to comply with the Rule of Law is its failure to obey Bylaw 6.4 that **(1)** defines the right of an HOA member to access and copy the HOA’s “Books and Records”, and **(2)** demands that the Board must “*establish reasonable rules*” for HOA members to exercise this right. The Board never did this.

The above examples alone show that the Board has not complied with its duty of Obedience to the Rule of Law.

**Moreover, the Board failed its Duty of Loyalty to BVHHOA and to nobody else!**

The evidence contained in some bizarre statements made by the Board at board meetings (1/29/2025, 6/26/2025) shows that the Board, **to BVHHOA's detriment**, gave preferential treatment to Southridge Builders.

Specifically, the Board *rejected* its duty to protect Carino Lane from Southridge's activities on Lots 70, 72 and 73 that were violations of the Declaration and Bylaws.

**The Fourteen Accomplices failed to adhere to their duties of Obedience, Diligence and Loyalty.**

Consider the following facts:

1. The Board wrecked the directors' staggered term arrangement, that was purposefully defined as a Bylaws' amendment on 3/5/2024 .
2. Winter is imminent, and the damage to Carino Lane **still remains vulnerable to the weather**, despite at least \$20,000 spent in 2024 by the Board and its committees on ineffective legal fees, useless geotechnical advice, and worthless repairs.
3. From limited information from the Board, the owners of 1610 and 1611 Carino Lane have had to suffer with an unacceptable amount of inconvenience.
4. BVHHOA is involved in expensive litigation of uncertain outcome.
5. All these matters were preventable.

These facts show that each one of the *Fourteen Accomplices* proved themselves to be unqualified to be officers of the BVHHOA, or even members of BVHHOA's committees.