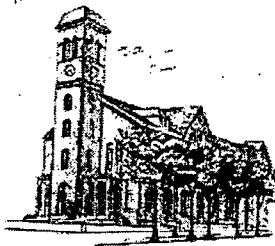


07-1728-CD

Cheryl Gray vs Treasure Lake Pro. Owners



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

June 27, 2008

Superior Court of Pennsylvania
Office of the Prothonotary
600 Grant Building
Pittsburgh, PA 15219

RE: Cheryl A. Gray

vs

Treasure Lake Property Owners Association, Inc.
No. 07-1728-CD
Superior Court No. 862 WDA 2008

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office. Pending transcripts will be forwarded upon filing in my office.

Sincerely,

William A. Shaw
Prothonotary

5
FILED
013:34/611
JUN 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

Bred
E

5:55 A.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 862 WDA 2008

Page 1 of 3

May 21, 2008



Sheryl A. Gray,

v.

Treasure Lake Property Owners Association, Inc, Appellant

07-1728-CD

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: May 21, 2008

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType:

Equity

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: June 4, 2008

Next Event Type: Original Record Received

Next Event Due Date: July 15, 2008

FILED

MAY 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 862 WDA 2008

Page 2 of 3

May 21, 2008



COUNSEL INFORMATION

Appellant Treasure Lake Property Owners Association, Inc.
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellant Attorney Information:
Attorney: Yeager, Michael P.
Bar No.: 15587 **Law Firm:**
Address: 110 N 2nd Street
 PO Box 752
 Clearfield, PA 16830-2253
Phone No.: (814)765-9611 **Fax No.:** (814)765-9503
Receive Mail: Yes
E-Mail Address: mpyesqo@atlanticbb.net
Receive E-Mail: No

Appellee Gray, Cheryl A.
Pro Se: Appoint Counsel Status:
IFP Status:

Appellee Attorney Information:
Attorney: Naddeo, James A.
Bar No.: 6820 **Law Firm:** Law Office of Naddeo & Lewis, LLC
Address: 207 East Market Street
 PO Box 552
 Clearfield, PA 16830
Phone No.: (814)765-1601 **Fax No.:** (814)765-8142
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
5/16/08	Notice of Appeal	60.00	60.00	2008SPRWD000511

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas
County: Clearfield **Division:** Civil
Date of Order Appealed From: May 8, 2008 **Judicial District:** 46
Date Documents Received: May 21, 2008 **Date Notice of Appeal Filed:** May 16, 2008
Order Type: Order Entered **OTN:**
Judge: Ammerman, Fredric J. **Lower Court Docket No.:** NO. 2007-1728-CD
 President Judge

ORIGINAL RECORD CONTENTS

5:55 A.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 862 WDA 2008

Page 3 of 3

May 21, 2008



Original Record Item

Filed Date

Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
May 21, 2008	Notice of Appeal Filed	Appellant	Treasure Lake Property Owners Association, Inc.
May 21, 2008	Docketing Statement Exited (Civil)		Western District Filing Office

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(c)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

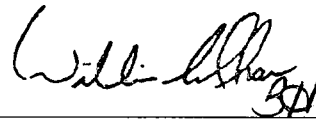
Cheryl A. Gray
VS.

Treasure Lake Property Owners Association, Inc.
07-1728-CD

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from No. 1 to 27, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is June 27, 2008.



William A. Shaw
Prothonotary/Clerk of Courts

(seal)

ite: 6/27/2008

Clearfield County Court of Common Pleas

User: BHUDSON

ne: 03:22 PM

ROA Report

ge 1 of 3

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

heryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

te		Judge
/24/2007	New Case Filed.	No Judge
	Filing: Complaint-Equity Action Paid by: Naddeo, James A. (attorney for Gray, Cheryl A.) Receipt number: 1921181 Dated: 10/24/2007 Amount: \$85.00 (Check) 3CC Atty Naddeo.	No Judge
	Bond, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
	Petition For Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
/26/2007	Order AND NOW, this 26th day of of October 2007, upon consideration of the verified Counterclaim in equity in this action and the accompanying Petiton for Temporary Restraining Order and Ex-Parte Preliminary Injuctive Relief, pursuant to Pa.R.C.P. 1531 and plaintiff having filed a bond as required under Rule 1531 (b) (1) it is hereby ORDERED that: A) Defendant is enjoined from destroying the taped minuted of a board meeting held on August 27, 2007. This Injunction is granted without notice to defendant, a hearing on the continuance of this injunction shall be held not more than five days after the date of this Order. Said hearing shall be on the 31st day of October 2007 at 2:00 pm in Courtroom 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 5CC Atty Nadde.	Fredric Joseph Ammerman
/31/2007	Sheriff Return, October 29, 2007 at 1:43 pm Served the within Petition; Order; Complaint in Equity; Bond on Treasure Lake Property Owners Association Incorporated by handing to Cherlene Lutz. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$46.84 Answer and New Matter to Complaint - Equity, filed by s/ Michael P. Yeager, Esquire. 3CC Atty. Yeager	Fredric Joseph Ammerman Fredric Joseph Ammerman
/1/2007	Order, this 31st day of Oct., 2007, it is Ordered that the Defendant continues to be enjoined from destroying the audiotape of the board meeting held on August 27th, 2007 until such time as the Court should issue a decision on the merits and relative any appeal if that should happen. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Naddeo; 2CC Def. - 13 Treasure Lake, DuBois, PA 15801	Fredric Joseph Ammerman
/19/2007	Reply To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
11/2008	Motion for Judgment on the Pleadings, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo Order AND NOW, this 11th day of March 2008, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff, it is hereby ORDERED that: 1. The Respondent shall file an answer to the motion within 20 days of service, thereof, said service to be made by defendant and; 2. a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested. Rule Returnable and argument thereon to be held the 22nd day of April 2008 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Naddeo.	Fredric Joseph Ammerman Fredric Joseph Ammerman
12/2008	Certificate of Service, filed. That a certified copy of Motion for Judgment on the Pleadings was served on the 12th day of March 2008 by first class mail to Michael P. Yeager Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

ite: 6/27/2008

ne: 03:22 PM

ge 2 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01728-CD

User: BHUDSON

Current Judge: Fredric Joseph Ammerman

heryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

ite		Judge
19/2008	Response to Motion for Judgment on the Pleadings, filed by s/ Michael P. Yeager, Esquire. 1CC Atty. Yeager	Fredric Joseph Ammerman
14/2008	Amended Answer and New Matter to Complaint-Equity, filed by s/ Michael P. Yeager, Esquire. 2CC Atty. Yeager	Fredric Joseph Ammerman
21/2008	Reply to Amended New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
22/2008	Motion for Judgment on the Pleadings, filed by Atty. Yeager 2 Cert. to Atty.	Fredric Joseph Ammerman
3/2008	Order, this 8th day of May, 2008, it is Ordered that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff is Granted. The Motion for Judgment on the Pleadings filed on behalf of the Defendant is Dismissed. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys: Yeager, Naddeo	Fredric Joseph Ammerman
14/2008	Praecipe For Final Judgment, Judgment for Plaintiff and against Defendant in the above-captioned case upon the Order of Court entered May 8, 2008. filed by s/ James A. Naddeo, Esquire. 1CC Atty.	Fredric Joseph Ammerman
16/2008	Filing: Appeal to High Court Paid by: Yeager, Michael P. (attorney for Treasure Lake Property Owners Association Incorpor) Receipt number: 1924106 Dated: 5/16/2008 Amount: \$50.00 (Check) 1 Cert. to Superior Court w/\$60.00 Check 7	Fredric Joseph Ammerman
	Notice of Appeal and Statement Relative to Transcript, filed by s/Michael P. Yeager, Esquire. 1CC to Superior Ct. w/\$60.00 & 7 Cert. to Atty.	Fredric Joseph Ammerman
19/2008	Order, this 19th day of May, 2008, this Court having been notified of Appeal to the Superior Court of PA, it is Ordered that Treasure Lake Property Owners Association, Inc., file a concise statement of the matters complained of on said appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Naddeo, Yeager	Fredric Joseph Ammerman
23/2008	Appeal Docket Sheet, filed. Docket no. 862 WDA 2008	Fredric Joseph Ammerman
30/2008	Statement of Matters Complained of on Appeal, filed by s/Michael P. Yeager, Esq. Four CC Attorney Yeager	Fredric Joseph Ammerman
	Application for Supersedeas, filed by s/Michael P. Yeager, Esq. Two CC Attorney Yeager	Fredric Joseph Ammerman
4/2008	Order, this 3rd day of June, 2008, it is Ordered that an argument on the Application for Supersedeas filed by the Defendant is scheduled for the 12th day of June, 2008, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Yeager	Fredric Joseph Ammerman
5/2008	Certificate of Service, filed. That on June 5, 2008, a copy of the Scheduling Order for argument on the Application for Supersedeas in the above-captioned matter was hand delivered to James A. Naddeo Esq., filed by s/ Michael P. Yeager Esq. No CC.	Fredric Joseph Ammerman
11/2008	Plaintiff's Response to Defendant's Application for Supersedeas, filed by s/James A. Naddeo, Esq. Two CC Attorney Naddeo	Fredric Joseph Ammerman
17/2008	Order, this 16th day of June, 2008, it is Ordered that the Application for supersedeas is GRANTED. The Defendant shall not be required to supply the Plaintiff with a copy of the audiotape in question pending the outcome of the appeal. No bond need be posted by the Defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Yeager, Naddeo	Fredric Joseph Ammerman

ite: 6/27/2008

ne: 03:22 PM

ge 3 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

heryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

User: BHUDSON

Equity

ite		Judge
27/2008	Opinion, BY THE COURT: /s/Fredric J. Ammerman, P.J. Three CC Attorneys Naddeo and Yeager One CC D. Mikesell and Law Library June 27, 2008, Mailed Appeal to Superior Court. June 27, 2008, Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Michael P. Yeager, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	Fredric Joseph Ammerman Fredric Joseph Ammerman

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 27 2008

Attest.

William L. B...
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1728-CD

Cheryl A. Gray

VS.

Treasure Lake Property Owners Association, Inc.

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	10/24/07	Complaint-Equity Action	12
02	10/24/07	Bond	03
03	10/24/07	Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief	17
04	10/26/07	Order, Re: Injunction granted, hearing scheduled	02
05	10/31/07	Sheriff Return	01
06	10/31/07	Answer and New Matter to Complaint-Equity	29
07	11/01/07	Order, Re: Defendant continues to be enjoined	01
08	11/19/07	Reply to New Matter	06
09	03/11/08	Motion for Judgment on the Pleadings with Order scheduling hearing	07
10	03/12/08	Certificate of Service, Motion for Judgment on the Pleadings	02
11	03/19/08	Response to Motion for Judgment on the Pleadings	07
12	04/14/08	Amended Answer and New Matter to Complaint-Equity	27
13	04/21/08	Reply to Amended New Matter	06
14	04/22/08	Motion for Judgment on the Pleadings	06
15	05/08/08	Order, Re: Motion for Judgment on the Pleadings	01
16	05/14/08	Praecipe for Final Judgment	03
17	05/16/08	Notice of Appeal and Statement Relative to Transcript	06
18	05/19/08	Order, Re: concise statement to be filed	01
19	05/23/08	Appeal Docket Sheet, 862 WDA 2008	03
20	05/30/08	Statement of Matters Complained of on Appeal	05
21	05/30/08	Application for Supersedeas	09
22	06/04/08	Order, Re: argument on Application for Supersedeas	02
23	06/05/08	Certificate of Service	02
24	06/11/08	Plaintiff's Response to Defendant's Application for Supersedeas	05
25	06/17/08	Order, Re: Application for Supersedeas Granted	01
26	06/27/08	Opinion	03
27	06/27/08	Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Michael P. Yeager, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	05

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Cheryl A. Gray

Vs.

Case No. 2007-01728-CD

Treasure Lake Property Owners
Association Incorpor

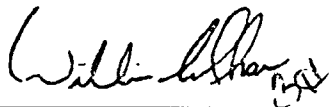
5
FILED
JUL 02 2008
11:30 AM
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF CONTENTS

NOW, this 27th day of June, 2008, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

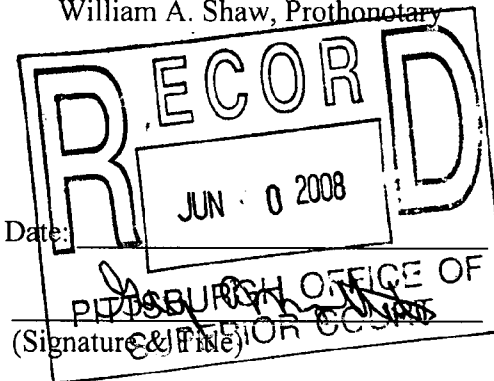
An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Superior Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By:


William A. Shaw, Prothonotary

Record, Etc. Received:

Date:



FILED
JUL 02 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Praecipe to
: Settle, Discontinue & End
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: August 28, 2008

^S
FILED
O 3:40pm GK No CC
AUG 28 2008 1 cert of disc.
to Atty
William A. Shaw
Prothonotary/Clerk of Courts (610)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

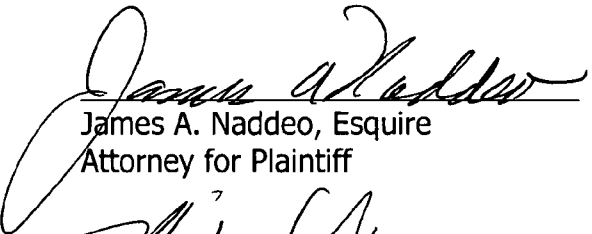
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

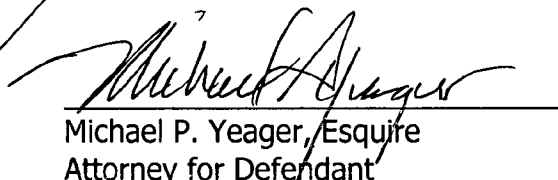
No. 2007-1728-CD

PRAECIPE TO SETTLE, DISCONTINUE & END

TO WILLIAM A. SHAW, PROTHONOTARY:

Please mark the above-captioned matter settled, discontinued and ended.


James A. Naddeo, Esquire
Attorney for Plaintiff


Michael P. Yeager, Esquire
Attorney for Defendant

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA**

CIVIL DIVISION

Cheryl A. Gray

Vs.

No. 2007-01728-CD

Treasure Lake Property Owners Association Incorpor

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 28, 2008, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid by James A. Naddeo, Esquire, and \$50.00 has been paid by Michael P. Yeager, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of August A.D. 2008.



William A. Shaw, Prothonotary

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

10:55 A.M.

Appeal Docket Sheet

Docket Number: 862 WDA 2008

Superior Court of Pennsylvania

Page 1 of 3

May 21, 2008



Cheryl A. Gray,
v.

Treasure Lake Property Owners Association, Inc, Appellant

07-1728-CD

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: May 21, 2008

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Equity

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: June 4, 2008

Next Event Type: Original Record Received

Next Event Due Date: July 15, 2008



Record

FILED
MAY 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet**Docket Number: 862 WDA 2008****Page 2 of 3****May 21, 2008****Superior Court of Pennsylvania****COUNSEL INFORMATION**

Appellant Treasure Lake Property Owners Association, Inc.
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellant Attorney Information:
Attorney: Yeager, Michael P.
Bar No.: 15587 **Law Firm:**
Address: 110 N 2nd Street
 PO Box 752
 Clearfield, PA 16830-2253
Phone No.: (814)765-9611 **Fax No.:** (814)765-9503
Receive Mail: Yes
E-Mail Address: mpyesqo@atlanticbb.net
Receive E-Mail: No

Appellee Gray, Cheryl A.
Pro Se: Appoint Counsel Status:
IFP Status:

Appellee Attorney Information:
Attorney: Naddeo, James A.
Bar No.: 6820 **Law Firm:** Law Office of Naddeo & Lewis, LLC
Address: 207 East Market Street
 PO Box 552
 Clearfield, PA 16830
Phone No.: (814)765-1601 **Fax No.:** (814)765-8142
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
5/16/08	Notice of Appeal	60.00	60.00	2008SPRWD000511

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas
County: Clearfield **Division:** Civil
Date of Order Appealed From: May 8, 2008 **Judicial District:** 46
Date Documents Received: May 21, 2008 **Date Notice of Appeal Filed:** May 16, 2008
Order Type: Order Entered **OTN:**
Judge: Ammerman, Fredric J. **Lower Court Docket No.:** NO. 2007-1728-CD
 President Judge

ORIGINAL RECORD CONTENTS

10:55 A.M.

Appeal Docket Sheet

Docket Number: 862 WDA 2008

Page 3 of 3

May 21, 2008

Superior Court of Pennsylvania



Original Record Item

Filed Date

Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
May 21, 2008	Notice of Appeal Filed	Appellant	Treasure Lake Property Owners Association, Inc.
May 21, 2008	Docketing Statement Exited (Civil)		Western District Filing Office

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(c)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

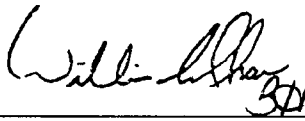
Cheryl A. Gray
VS.

Treasure Lake Property Owners Association, Inc.
07-1728-CD

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from **No. 1** to 27, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

⁶ The date on which the record had been transmitted to the Appellate Court is June 27, 2008.



William A. Shaw
Prothonotary/Clerk of Courts

(seal)

Date: 6/27/2008

Time: 03:22 PM

Page 1 of 3

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
10/24/2007	New Case Filed.	No Judge
	Filing: Complaint-Equity Action Paid by: Naddeo, James A. (attorney for Gray, Cheryl A.) Receipt number: 1921181 Dated: 10/24/2007 Amount: \$85.00 (Check) 3CC Atty Naddeo.	No Judge
	Bond, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
	Petition For Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
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10/31/2007	Sheriff Return, October 29, 2007 at 1:43 pm Served the within Petition; Order; Complaint in Equity; Bond on Treasure Lake Property Owners Association Incorporated by handing to Cherlene Lutz. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$46.84 Answer and New Matter to Complaint - Equity, filed by s/ Michael P. Yeager, Esquire. 3CC Atty. Yeager	Fredric Joseph Ammerman Fredric Joseph Ammerman
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11/19/2007	Reply To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
3/11/2008	Motion for Judgment on the Pleadings, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	Fredric Joseph Ammerman
	Order AND NOW, this 11th day of March 2008, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff, it is hereby ORDERED that: 1. The Respondent shall file an answer to the motion within 20 days of service, thereof, said service to be made by defendant and; 2. a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested. Rule Returnable and argument thereon to be held the 22nd day of April 2008 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Naddeo.	Fredric Joseph Ammerman
3/12/2008	Certificate of Service, filed. That a certified copy of Motion for Judgment on the Pleadings was served on the 12th day of March 2008 by first class mail to Michael P. Yeager Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Date: 6/27/2008

Time: 03:22 PM

Page 2 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01728-CD

User: BHUDSON

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs. Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
3/19/2008	Response to Motion for Judgment on the Pleadings, filed by s/ Michael P. Yeager, Esquire. 1CC Atty. Yeager	Fredric Joseph Ammerman
4/14/2008	Amended Answer and New Matter to Complaint-Equity, filed by s/ Michael P. Yeager, Esquire. 2CC Atty. Yeager	Fredric Joseph Ammerman
4/21/2008	Reply to Amended New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
4/22/2008	Motion for Judgment on the Pleadings, filed by Atty. Yeager 2 Cert. to Atty.	Fredric Joseph Ammerman
5/8/2008	Order, this 8th day of May, 2008, it is Ordered that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff is Granted. The Motion for Judgment on the Pleadings filed on behalf of the Defendant is Dismissed. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys: Yeager, Naddeo	Fredric Joseph Ammerman
5/14/2008	Praecipe For Final Judgment, Judgment for Plaintiff and against Defendant in the above-captioned case upon the Order of Court entered May 8, 2008. filed by s/ James A. Naddeo, Esquire. 1CC Atty.	Fredric Joseph Ammerman
5/16/2008	Filing: Appeal to High Court Paid by: Yeager, Michael P. (attorney for Treasure Lake Property Owners Association Incorpor) Receipt number: 1924106 Dated: 5/16/2008 Amount: \$50.00 (Check) 1 Cert. to Superior Court w/\$60.00 Check 7	Fredric Joseph Ammerman
	Notice of Appeal and Statement Relative to Transcript, filed by s/Michael P. Yeager, Esquire. 1CC to Superior Ct. w/\$60.00 & 7 Cert. to Atty.	Fredric Joseph Ammerman
5/19/2008	Order, this 19th day of May, 2008, this Court having been notified of Appeal to the Superior Court of PA, it is Ordered that Treasure Lake Property Owners Association, Inc., file a concise statement of the matters complained of on said appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Naddeo, Yeager	Fredric Joseph Ammerman
5/23/2008	Appeal Docket Sheet, filed. Docket no. 862 WDA 2008	Fredric Joseph Ammerman
5/30/2008	Statement of Matters Complained of on Appeal, filed by s/Michael P. Yeager, Esq. Four CC Attorney Yeager	Fredric Joseph Ammerman
	Application for Supersedeas, filed by s/Michael P. Yeager, Esq. Two CC Attorney Yeager	Fredric Joseph Ammerman
6/4/2008	Order, this 3rd day of June, 2008, it is Ordered that an argument on the Application for Supersedeas filed by the Defendant is scheduled for the 12th day of June, 2008, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Yeager	Fredric Joseph Ammerman
6/5/2008	Certificate of Service, filed. That on June 5, 2008, a copy of the Scheduling Order for argument on the Application for Supersedeas in the above-captioned matter was hand delivered to James A. Naddeo Esq., filed by s/ Michael P. Yeager Esq. No CC.	Fredric Joseph Ammerman
6/11/2008	Plaintiff's Response to Defendant's Application for Supersedeas, filed by s/James A. Naddeo, Esq. Two CC Attorney Naddeo	Fredric Joseph Ammerman
6/17/2008	Order, this 16th day of June, 2008, it is Ordered that the Application for supersedeas is GRANTED. The Defendant shall not be required to supply the Plaintiff with a copy of the audiotape in question pending the outcome of the appeal. No bond need be posted by the Defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Yeager, Naddeo	Fredric Joseph Ammerman

Date: 6/27/2008

Time: 03:22 PM

Page 3 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs. Treasure Lake Property Owners Association Incorpor

User: BHUDSON

Equity

Date		Judge
6/27/2008	Opinion, BY THE COURT: /s/Fredric J. Ammerman, P.J. Three CC Attorneys Naddeo and Yeager One CC D. Mikesell and Law Library	Fredric Joseph Ammerman
	June 27, 2008, Mailed Appeal to Superior Court.	Fredric Joseph Ammerman
	June 27, 2008, Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Michael P. Yeager, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 27 2008

Attest.

William E. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

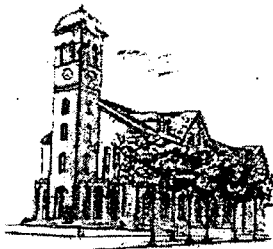
No. 07-1728-CD

Cheryl A. Gray

VS.

Treasure Lake Property Owners Association, Inc.

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	10/24/07	Complaint-Equity Action	12
02	10/24/07	Bond	03
03	10/24/07	Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief	17
04	10/26/07	Order, Re: Injunction granted, hearing scheduled	02
05	10/31/07	Sheriff Return	01
06	10/31/07	Answer and New Matter to Complaint-Equity	29
07	11/01/07	Order, Re: Defendant continues to be enjoined	01
08	11/19/07	Reply to New Matter	06
09	03/11/08	Motion for Judgment on the Pleadings with Order scheduling hearing	07
10	03/12/08	Certificate of Service, Motion for Judgment on the Pleadings	02
11	03/19/08	Response to Motion for Judgment on the Pleadings	07
12	04/14/08	Amended Answer and New Matter to Complaint-Equity	27
13	04/21/08	Reply to Amended New Matter	06
14	04/22/08	Motion for Judgment on the Pleadings	06
15	05/08/08	Order, Re: Motion for Judgment on the Pleadings	01
16	05/14/08	Praecipe for Final Judgment	03
17	05/16/08	Notice of Appeal and Statement Relative to Transcript	06
18	05/19/08	Order, Re: concise statement to be filed	01
19	05/23/08	Appeal Docket Sheet, 862 WDA 2008	03
20	05/30/08	Statement of Matters Complained of on Appeal	05
21	05/30/08	Application for Supersedeas	09
22	06/04/08	Order, Re: argument on Application for Supersedeas	02
23	06/05/08	Certificate of Service	02
24	06/11/08	Plaintiff's Response to Defendant's Application for Supersedeas	05
25	06/17/08	Order, Re: Application for Supersedeas Granted	01
26	06/27/08	Opinion	03
27	06/27/08	Letters, Re: Notification of mailing appeal mailed to James A. Naddeo, Esq. and Michael P. Yeager, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	05



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

James A. Naddeo, Esq.
PO Box 552
207 E. Market Street
Clearfield, PA 16830

Michael P. Yeager, Esq.
PO Box 752
110 North Second Street
Clearfield, PA 16830

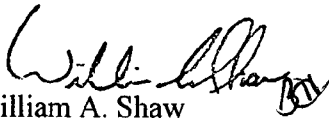
Cheryl A. Gray
Vs.
Treasure Lake Property Owners Association, Inc.

Court No. 07-1728-CD; Superior Court No. 862 WDA 2008

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on June 27, 2008. Any pending transcripts will be forwarded upon filing to Superior Court per their instructions.

Sincerely,


William A. Shaw
Prothonotary/Clerk of Courts

⁵
FILED
JUN 27 2008
William A. Shaw
Prothonotary/Clerk of Courts

27

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1728-CD

Cheryl A. Gray

V.S.

Treasure Lake Property Owners Association, Inc.

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
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24	06/11/08	Plaintiff's Response to Defendant's Application for Supersedeas	05
25	06/17/08	Order, Re: Application for Supersedeas Granted	01
26	06/27/08	Opinion	03

Date: 6/27/2008

Time: 03:15 PM

Page 1 of 3

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
10/24/2007	New Case Filed.	No Judge
	Filing: Complaint-Equity Action Paid by: Naddeo, James A. (attorney for Gray, Cheryl A.) Receipt number: 1921181 Dated: 10/24/2007 Amount: \$85.00 (Check) 3CC Atty Naddeo.	No Judge
	Bond, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
	Petition For Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
10/26/2007	Order AND NOW, this 26th day of of October 2007, upon consideration of the verified Counterclaim in equity in this action and the accompanying Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, pursuant to Pa.R.C.P. 1531 and plaintiff having filed a bond as required under Rule 1531 (b) (1) it is hereby ORDERED that: A) Defendant is enjoined from destroying the taped minuted of a board meeting held on August 27, 2007. This Injunction is granted without notice to defendant, a hearing on the continuance of this injunction shall be held not more than five days after the date of this Order. Said hearing shall be on the 31st day of October 2007 at 2:00 pm in Courtroom 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 5CC Atty Naddeo.	Fredric Joseph Ammerman
10/31/2007	Sheriff Return, October 29, 2007 at 1:43 pm Served the within Petition; Order; Complaint in Equity; Bond on Treasure Lake Property Owners Association Incorporated by handing to Cherlene Lutz. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$46.84 Answer and New Matter to Complaint - Equity, filed by s/ Michael P. Yeager, Esquire. 3CC Atty. Yeager	Fredric Joseph Ammerman Fredric Joseph Ammerman
11/1/2007	Order, this 31st day of Oct., 2007, it is Ordered that the Defendant continues to be enjoined from destroying the audiotape of the board meeting held on August 27th, 2007 until such time as the Court should issue a decision on the merits and relative any appeal if that should happen. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Naddeo; 2CC Def. - 13 Treasure Lake, DuBois, PA 15801	Fredric Joseph Ammerman
11/19/2007	Reply To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
3/11/2008	Motion for Judgment on the Pleadings, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	Fredric Joseph Ammerman
	Order AND NOW, this 11th day of March 2008, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff, it is hereby ORDERED that: 1. The Respondent shall file an answer to the motion within 20 days of service, thereof, said service to be made by defendant and; 2. a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested. Rule Returnable and argument thereon to be held the 22nd day of April 2008 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Naddeo.	Fredric Joseph Ammerman
3/12/2008	Certificate of Service, filed. That a certified copy of Motion for Judgment on the Pleadings was served on the 12th day of March 2008 by first class mail to Michael P. Yeager Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Equity

Date		Judge
3/19/2008	Response to Motion for Judgment on the Pleadings, filed by s/ Michael P. Yeager, Esquire. 1CC Atty. Yeager	Fredric Joseph Ammerman
4/14/2008	Amended Answer and New Matter to Complaint-Equity, filed by s/ Michael P. Yeager, Esquire. 2CC Atty. Yeager	Fredric Joseph Ammerman
4/21/2008	Reply to Amended New Matter, filed by s/ James A. Naddeo, Esquire. 1CC	Fredric Joseph Ammerman
4/22/2008	Motion for Judgment on the Pleadings, filed by Atty. Yeager 2 Cert. to Atty.	Fredric Joseph Ammerman
5/8/2008	Order, this 8th day of May, 2008, it is Ordered that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff is Granted. The Motion for Judgment on the Pleadings filed on behalf of the Defendant is Dismissed. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys: Yeager, Naddeo	Fredric Joseph Ammerman
5/14/2008	Praeipce For Final Judgment, Judgment for Plaintiff and against Defendant in the above-captioned case upon the Order of Court entered May 8, 2008. filed by s/ James A. Naddeo, Esquire. 1CC Atty.	Fredric Joseph Ammerman
5/16/2008	Filing: Appeal to High Court Paid by: Yeager, Michael P. (attorney for Treasure Lake Property Owners Association Incorpor) Receipt number: 1924106 Dated: 5/16/2008 Amount: \$50.00 (Check) 1 Cert. to Superior Court w/\$60.00 Check 7	Fredric Joseph Ammerman
	Notice of Appeal and Statement Relative to Transcript, filed by s/Michael P. Yeager, Esquire. 1CC to Superior Ct. w/\$60.00 & 7 Cert. to Atty.	Fredric Joseph Ammerman
5/19/2008	Order, this 19th day of May, 2008, this Court having been notified of Appeal to the Superior Court of PA, it is Ordered that Treasure Lake Property Owners Association, Inc., file a concise statement of the matters complained of on said appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Naddeo, Yeager	Fredric Joseph Ammerman
5/23/2008	Appeal Docket Sheet, filed. Docket no. 862 WDA 2008	Fredric Joseph Ammerman
5/30/2008	Statement of Matters Complained of on Appeal, filed by s/Michael P. Yeager, Esq. Four CC Attorney Yeager	Fredric Joseph Ammerman
	Application for Supersedeas, filed by s/Michael P. Yeager, Esq. Two CC Attorney Yeager	Fredric Joseph Ammerman
6/4/2008	Order, this 3rd day of June, 2008, it is Ordered that an argument on the Application for Supersedeas filed by the Defendant is scheduled for the 12th day of June, 2008, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Yeager	Fredric Joseph Ammerman
6/5/2008	Certificate of Service, filed. That on June 5, 2008, a copy of the Scheduling Order for argument on the Application for Supersedeas in the above-captioned matter was hand delivered to James A. Naddeo Esq., filed by s/ Michael P. Yeager Esq. No CC.	Fredric Joseph Ammerman
6/11/2008	Plaintiff's Response to Defendant's Application for Supersedeas, filed by s/James A. Naddeo, Esq. Two CC Attorney Naddeo	Fredric Joseph Ammerman
6/17/2008	Order, this 16th day of June, 2008, it is Ordered that the Application for supersedeas is GRANTED. The Defendant shall not be required to supply the Plaintiff with a copy of the audiotape in question pending the outcome of the appeal. No bond need be posted by the Defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Yeager, Naddeo	Fredric Joseph Ammerman

Date: 6/27/2008

Time: 03:15 PM

Page 3 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs. Treasure Lake Property Owners Association Incorpor

User: BHUDSON

Equity

Date

Judge

6/27/2008

Opinion, BY THE COURT: /s/Fredric J. Ammerman, P.J. Three CC
Attorneys Naddeo and Yeager One CC D. Mikesell and Law Library

Fredric Joseph Ammerman

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY,

Petitioner

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION,

Respondent

NO. 07-1728-CD

OPINION

On October 24, 2007 Cheryl A. Gray (Gray) filed a Complaint against Treasure Lake Property Owners Association (Treasure Lake) claiming that she has the right to a copy of a tape-recording of portions of a Treasure Lake Property Owners Association Board meeting held on August 27, 2007. Gray claims a right to a copy of the tape pursuant to 15 Pa.C.S.A. § 5508 which affords a member of an association the right to make copies of the records of member proceedings. Treasure Lake had denied Gray's request and refused to permit her to make a copy of the tape of the meeting. A Petition for a Temporary Restraining Order and *ex parte* Preliminary Injunctive Relief was also filed by Gray. This Court ultimately granted the *ex parte* Temporary Restraining Order and the continuation of the same which prevented Treasure Lake from destroying the tape recording until final resolution of the litigation. Following the pleadings being completed, Gray on April 22, 2008 filed a Motion for Judgment on the Pleadings. The Court agreed that Gray was entitled to Judgment on the Pleadings and granted the Motion by its Order of May 8, 2008. Following the entry of a final judgment Treasure Lake filed a Notice of Appeal to the Superior Court.

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JUN 27 2008
William A. Shaw
Prothonotary/Clerk of Courts
1cc D. Mikesell
Law Library
without memo

This case centers upon the Court's interpretation of the statutory rights set forth in 15 Pa.C.S. § 5508(b), which provides in part:

(b) RIGHT OF INSPECTION BY A MEMBER.--Every member shall upon written verified demand stating the purpose thereof, have a right to examine, in person or by agent or attorney, during the usual hours for business for any proper purpose, the membership register, books and records of account, and **records of the proceedings of the members, directors and any other body, and to make copies** or extracts therefrom. A proper purpose shall mean a purpose reasonably related to the interest of the person as a member. . .

The statute does not define "records of proceedings," and therefore the plain meaning of the statutory language would control. 1 Pa.C.S. § 1921(b). The language of a statute is the best indication of legislative intent. Pa. Dept. of Transp., Bureau of Driver Licensing v. Weaver, 590 Pa. 188, 912 A.2d 259, 264 (Pa. 2006). Words and phrases should be construed in accordance with their common and approved usage. 1 Pa. C.S. § 1903(a). When the words of a statute are clear, there is no need to look beyond the plain meaning of a statute. See, e.g., Cmwlth. v. McClintic, 589 PA. 465, 909 A.2d 1241, 1245 (Pa. 2006) citing Sternlicht v. Sternlicht, 583 Pa. 149, 876 A.2d 904, 909 (Pa. 2005).

In this instance, "records of proceedings" is clear and unambiguous. Meetings such as the August 27, 2007 Board Meeting would be a proceeding of the members and directors as identified in the statute. The tape-recording of which Plaintiff desires a copy is a record of this proceeding. The plain meaning of the word "record" is "to set down for preservation in writing or other permanent form." The American Heritage Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company, Boston, MA (2000). Thus, Treasure Lake has a taped record of portions of the August 27, 2007 Board meeting, which is a proceeding of the members and directors. The record

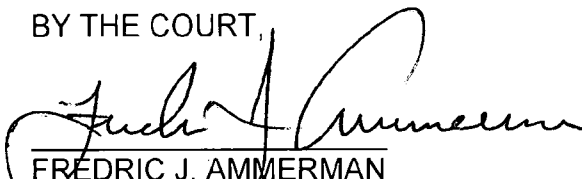
Plaintiff desires a copy of squarely fits the plain meaning of the language of the statute.
Plaintiff therefore is entitled to a copy of the same.

Defendant is asking the Court to limit the language in section (b) of the statute so that inspection and copying of "records of proceedings" by members is only to those records which are defined required records in the preceding section (a) of the statute. On this basis the Defendant argues that Plaintiff is only entitled to a copy of the written minutes produced by the secretary. Section (a) states as follows:

(a) REQUIRED RECORDS. – Every nonprofit corporation shall keep **minutes of the proceedings** of the members, the directors and any other body, and a *membership register*, giving the names and addresses of all members and the class and other details of the membership of each. The corporation shall also keep appropriate, complete and accurate *books or records of account*. The records provided for in this subsection shall be kept at any of the following. . .

Plaintiff points out that the language in section (b) mirrors section (a) with regard to "the membership register" and "books, and records of account." However the two sections deviate at the "minutes of proceedings" and "records of proceedings." In other works, section (a) requires "minutes of the proceedings," while section (b) permits inspection and copying of "records of proceedings." The difference is between what must be maintained and what is actually maintained. An audiotape is not required to be made and kept under Section 5508(a). However, this Court finds that if a tape is made it is a record of the proceeding under Section 5508(b), and the Plaintiff is entitled to a copy of it.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

Date: June 26, 2008

FILED

JUN 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/27/08

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

MA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY,

Plaintiff

vs.

NO. 07-1728-CD

TREASURE LAKE PROPERTY OWNERS.
ASSOCIATION,

Defendant

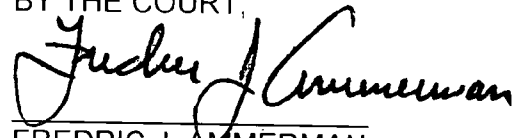
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ORDER

NOW, this 16th day of June, 2008, pursuant to the Application for Supersedeas filed on behalf of the Defendant with the Court noting the appeal presently pending before the Pennsylvania Superior Court, it is the ORDER of this Court that the Application for Supersedeas be and is hereby GRANTED. The Defendant shall not be required to supply the Plaintiff with a copy of the audiotape in question pending the outcome of the appeal.

No bond need be posted by the Defendant.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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FILED

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William A. Shaw
Prothonotary/Clerk of Courts
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(#25)

FILED

JUN 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6-17-04
You are responsible for serving all appropriate parties.
X The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) Attorney ____ Other
X Plaintiff(s) Defendant(s) Attorney
____ Defendant(s) Defendant(s)
____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

**PLAINTIFF'S RESPONSE TO
DEFENDANT'S APPLICATION
FOR SUPERSEDEAS**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: June 11, 2008

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Aug Naddeo
JUN 11 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

14

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

No. 2007-1728-CD

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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*

PLAINTIFF'S RESPONSE TO DEFENDANT'S APPLICATION FOR SUPERSEDEAS

COMES NOW, the Plaintiff, Cheryl A. Gray, by and through her attorneys, Naddeo & Lewis, LLC and the undersigned, and files this response to Defendant's application for supersedeas and sets forth as follows:

1. Admitted.
2. Admitted.
3. Admitted.

4. No answer is required. Plaintiff respectfully requests that her pleading and prayer for relief speak for themselves.

5. No answer is required. Plaintiff respectfully requests that her pleading and prayer for relief speak for themselves.

6. Denied as stated. In further answer thereto, after hearing by the Court of Plaintiff's Petition for Temporary Restraining Order and Ex-parte Preliminary Injunction, this

Court ordered the Restraining Order to continue as prior to a decision on the merits due to its opinion that Plaintiff would suffer irreparable harm without said relief.

7. Admitted in part; denied in part. Admitted that Ms. Gray listened to the audiotape. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of whether TLPOA has preserved the tape.

8. Admitted.

9. Admitted.

10. Admitted.

11. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of said averment.

12. Paragraph 12 states the same facts as averred in Paragraph 7. Plaintiff incorporates its answer to Paragraph 7 herein as if set forth in full.

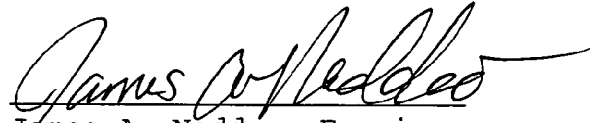
13. Denied. TLPOA's position on appeal will not be altered by the location or distribution of the tape in this case. TLPOA's position on appeal is a legal position upon which a tape cannot have effect. Denied that distributing the tape to Plaintiff would have any effect on TLPOA otherwise enforcing its Policy A-45 until final outcome of the appeal.

14. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of said averment.

WHEREFORE, the Plaintiff, Cheryl A. Gray, respectfully requests that Your Honorable Court deny TLPOA's application for supersedeas and Order Defendant to release a copy of said tape pursuant to Your Honor's decision in favor of Plaintiff in this case.

NADDEO & LEWIS, LLC

By

A handwritten signature in cursive script, appearing to read "James A. Naddeo", written over a horizontal line.

James A. Naddeo, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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No. 2007-1728-CD

CERTIFICATE OF SERVICE

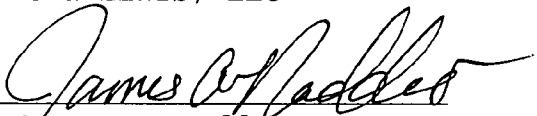
I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Plaintiff's Response to Defendant's Application
for Supersedeas was served on the following and in the following
manner on the 11th day of June, 2008:

Hand-delivered

Michael P. Yeager, Esquire
P.O. Box 752
110 North Second Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:



James A. Naddeo
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Certificate of
: Service
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: June 5, 2008

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JUN 05 2008
William A. Shaw
Prothonotary/Clerk of Courts

#23

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

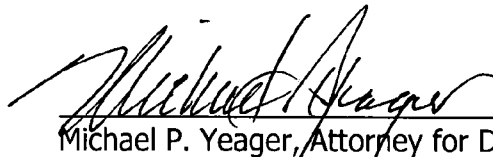
vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2008, a copy of the Scheduling Order for argument on the Application for Supersedeas in the above-captioned matter was hand delivered to James A. Naddeo, Esquire, NADDEO & LEWIS, 207 E. Market Street, Clearfield, PA 16830, attorney for the Plaintiff.



Michael P. Yeager, Attorney for Defendant
Treasure Lake Property Owners Association,
Inc.

FILED

JUN 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

UP

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Scheduling Order
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: May 30, 2008

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Atty Yeager
William A. Shaw
Prothonotary/Clerk of Courts
(612)

#22

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

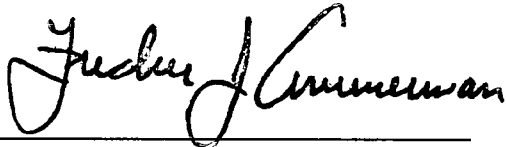
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

SCHEDULING ORDER

AND NOW, this 3rd day of JUNE, 2008, it is the ORDER of this
Court that an argument on the Application for Supersedeas filed by the Defendant is
scheduled for the 12th day of June, 2008, at 9:00 A.m. in Courtroom
No. 1, at the Clearfield County Courthouse, Clearfield, PA 16830.

BY THE COURT:



FILED

JUN 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/4/08

☒ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Application
: For Supersedeas
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: May 30, 2008

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MAY 30 2008 Atty Yeager
William A. Shaw
Prothonotary/Clerk of Courts
(#21)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

APPLICATION FOR SUPERSEDEAS

COMES NOW, the Defendant, above-captioned, by and through its attorney,
MICHAEL P. YEAGER, and files the within Application for Supersedeas whereof the
following is a statement:

1. The Applicant is the Treasure Lake Property Owners Association, Inc.
("TLPOA"), the Defendant in the above-captioned matter and Appellant with regard to
an appeal to the Superior Court of Pennsylvania at No. 862 WDA 2008.

2. The Respondent, Cheryl A. Gray ("Ms. Gray") is the Plaintiff in the above-
captioned matter and Appellee with regard to the Superior Court appeal described
above.

3. Ms. Gray filed a Complaint in Equity and a Petition for Temporary Restraining
Order and ex-parte Preliminary Injunctive Relief asking that an audio tape of portions of
the TLPOA's directors' meeting held on August 27, 2007 be preserved and that Ms. Gray
be permitted to make a copy of the same.

4. Ms. Gray also requested various other records; asked that the TLPOA's Policy A-45 be declared to be void; and that the TLPOA be enjoined from enforcing its Policy A-45.

5. Finally, Ms. Gray asked for an award of counsel fees, costs and expenses; such other damages as deemed fit; and any other just and proper relief.

6. After an initial meeting with the Trial Court, the parties and the Court determined that the audio tape would be preserved; and that, pursuant to the TLPOA's Policy A-45, Ms. Gray was afforded the opportunity to listen to and make notes relative to the audio tape.

7. Ms. Gray did listen to the audio tape; and the audio tape has been preserved by the TLPOA.

8. Both parties filed Motions for Judgment on the Pleadings;

9. On May 8, 2008, this Court issued and entered an Order granting Ms. Gray's Motion for Judgment on the Pleadings and dismissing the TLPOA's Motion for Judgment on the Pleadings.

10. On May 16, 2008 the TLPOA filed its appeal of this Court's Order to the Superior Court. A copy of that Notice of Appeal is attached hereto, made part hereof and incorporated herein as "Exhibit A".

11. The TLPOA has argued and will continue to argue on appeal that its Policy A-45 is a valid exercise of the TLPOA's prerogative with regard to its records and is thereby enforceable.

12. As noted above, Ms. Gray has been afforded and taken the opportunity to listen to the audio tape; and that audio tape has otherwise been preserved and remains available.


13. The TLPOA believes and therefore avers that allowing a copy of the audio tape to be made and distributed would seriously undermine its position on appeal and will otherwise eliminate any ability on the part of the TLPOA to continue to enforce its Policy A-45.

14. The TLPOA otherwise believes and therefore avers that Ms. Gray will not be prejudiced by the continuation of the status quo with regard to the audio tape.

15. The TLPOA is prepared to file its Bond as security relative to this application and the continuation of the status quo.

WHEREFORE, the Defendant TLPOA hereby requests that this Honorable Court continue its previous Order as to the audio tape; that the audio tape continue to be preserved and otherwise available; but that a copy thereof shall not be made available to the Respondent Ms. Gray pending completion of the appeal to the Superior Court and any continuing action thereafter.

Respectfully submitted:


Michael P. Yeager, Esquire
Attorney for Plaintiff

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAY 16 2008

Attest,

William L. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Notice of Appeal
: and Statement Relative to Transcript
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: May 16, 2008



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

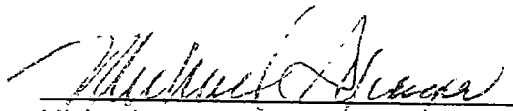
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

NOTICE OF APPEAL

Notice is hereby given that Defendant, TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC. ("TLPOA") hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on May 8, 2008; said Order granting Plaintiff's Motion for Judgment on the Pleadings and denying Defendant's Motion for Judgment on the Pleadings. The Order and judgment have been entered on the docket as is evidenced by the attached copy of the Docket Entries.

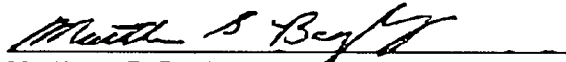
Respectfully submitted,


Michael P. Yeager, Esquire
Attorney for Defendant

VERIFICATION

I, MATTHEW S. BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly authorized to make this Verification, have read the foregoing Application for Supersedeas. The statements therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.


Matthew S. Begley, General Manager
Treasure Lake Property Owners
Association, Inc.

Date: May 30, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

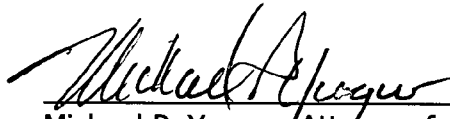
vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2008, a copy of the Application for Supersedeas filed in the above-captioned matter was hand delivered to James A. Naddeo, Esquire, NADDEO & LEWIS, 207 E. Market Street, Clearfield, PA 16830.



Michael P. Yeager, Attorney for Defendant
Treasure Lake Property Owners Association,
Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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No. 2007-1728-CD

ORDER

AND NOW, to wit, this _____ day of _____, 2008, upon review of
the Defendant's Application for Supersedeas and consideration thereof, it is hereby

ORDERED, ADJUDGED and DECREED, that the status quo relative to the above-
captioned matter be maintained; that the audio tape at issue in this matter be
preserved and continue to be available; and that a copy thereof shall not be made
available pending completion of the appeal to the Superior Court and any continuing
action thereafter.

P.J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Statement of Matters
: Complained of on Appeal
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: May 30, 2008

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MAY 30 2008 Atty Yeager

William A. Shaw
Prothonotary/Clerk of Courts

22

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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No. 2007-1728-CD

**DEFENDANT'S STATEMENT OF MATTERS
COMPLAINED OF ON APPEAL**

COMES NOW, the Defendant, TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., by and through its attorney, MICHAEL P. YEAGER, and files this Statement of Matters Complained of on Appeal in accordance with Pa. R.A.P. 1925(b) and pursuant to Trial Court Order dated May 19, 2008.

On May 8, 2008, the Trial Court issued its Final Order of Court ("Order") without opinion in which it granted Plaintiff's Motion for Judgment on the Pleadings and dismissed Defendant's Motion for Judgment on the Pleadings.

On May 14, 2008, Plaintiff (Petitioner) filed a Praecipe for Final Judgment pursuant to the Order entered May 8, 2008, with Judgment having been entered on that same date.

Defendant incorporates its previously filed Motion for Judgment on the Pleadings and hereby files the following bases for its appeal:

1. The Court erred in granting Plaintiff's Motion for Judgment on the Pleadings and dismissing Defendant's Motion for Judgment on the Pleadings.

2. The Court erred in its interpretation of the Pennsylvania Nonprofit Corporation Code (15 Pa. C.S. §5501 et sec.) ("Code") and how the Code relates to the factual background in this case.

3. The Court erred in concluding that an audio tape recording of portions of Defendant's directors' meeting, which was made solely to assist a transcribing secretary to prepare directors' minutes, somehow became "... (c) records of the proceedings of...directors..." as described in the Code and principally 15 Pa. C.S. §5508(b).

4. The Court erred in concluding that the Plaintiff is entitled to inspect and make a copy of the audio tape of those portions of the directors' meeting pursuant to the Code and principally 15 Pa. C.S. 5508(b).

5. The Court erred in failing to determine that the only "records of the proceedings" of the directors in question are the minutes of those proceedings approved by the directors as minutes described in Section 5508(a) of the Code.

6. The Court erred in failing to consider the thoughts expressed by the Commonwealth Court in Tapco, Inc. v. Township of Neville, 695 A.2d 460, 1997, Pa. Comm. (1997).

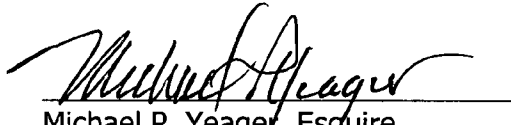
7. The Court erred in setting aside the decision of the directors of the Defendant denying Plaintiff's requests, pursuant to its policy as expressed in Policy A-45.

8. The Court erred in concluding that the Defendant directors' decision in denying the Plaintiff's requests for a copy of the audio tape of portions of the directors' meeting constituted a bad faith action on the part of the directors; and that the decision was otherwise arbitrary and manifestly erroneous so as to constitute an abuse of discretion or disregard of duty thereby permitting the Court to grant Plaintiff's requests.

Pardee v. Harwood Electric Co., 262 Pa. 68 105 A. 48 (1918) and Hopkins v. Union Canvas Goods Co., 104 Pa. Super 264, 158 A. 301 (1932). See also MacAleer v. Sun Oil Company, 280 Pa. Super 148, 421 A.2nd 449 (1980).

For the above reasons, Defendant, Treasure Lake Property Owners Association, Inc. believes that the Court's ruling as set forth in its Order of May 8, 2008 was in error and accordingly filed its Notice of Appeal of the same.

Respectfully submitted,



Michael P. Yeager, Esquire
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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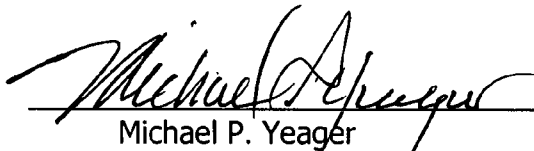
No. 2007-1728-CD

CERTIFICATE OF SERVICE

I certify that on May 30, 2008, a copy of the foregoing DEFENDANT'S
STATEMENT OF MATTERS COMPLAINED OF ON APPEAL in the above-captioned matter
was hand delivered to the following:

The Honorable Fredric J. Ammerman
Clearfield County Courthouse
205 East Market Street
Clearfield, PA 16830

James A. Naddeo, Esquire
NADDEO & LEWIS
207 E. Market Street
Clearfield, PA 16830.


Michael P. Yeager
Attorney for Defendant

10:05 A.M.

Appeal Docket Sheet

Docket Number: 862 WDA 2008

Page 1 of 3

May 21, 2008

Superior Court of Pennsylvania



Cheryl A. Gray,

v.

Treasure Lake Property Owners Association, Inc, Appellant

07-1728-CD

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: May 21, 2008

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType:

Equity

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: June 4, 2008

Next Event Type: Original Record Received

Next Event Due Date: July 15, 2008

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FILED
MAY 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

#A

Appeal Docket Sheet**Docket Number: 862 WDA 2008****Superior Court of Pennsylvania****Page 2 of 3****May 21, 2008****COUNSEL INFORMATION****Appellant** Treasure Lake Property Owners Association, Inc.

Pro Se: Appoint Counsel Status:

IFP Status: No

Appellant Attorney Information:

Attorney: Yeager, Michael P.

Bar No.: 15587 Law Firm:

Address: 110 N 2nd Street

PO Box 752

Clearfield, PA 16830-2253

Phone No.: (814)765-9611 Fax No.: (814)765-9503

Receive Mail: Yes

E-Mail Address: mpyesqo@atlanticbb.net

Receive E-Mail: No

Appellee Gray, Cheryl A.

Pro Se: Appoint Counsel Status:

IFP Status:

Appellee Attorney Information:

Attorney: Naddeo, James A.

Bar No.: 6820 Law Firm: Law Office of Naddeo & Lewis, LLC

Address: 207 East Market Street

PO Box 552

Clearfield, PA 16830

Phone No.: (814)765-1601 Fax No.: (814)765-8142

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
5/16/08	Notice of Appeal	60.00	60.00	2008SPRWD000511

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Date of Order Appealed From: May 8, 2008

Date Documents Received: May 21, 2008

Order Type: Order Entered

Division: Civil

Judicial District: 46

Date Notice of Appeal Filed: May 16, 2008

OTN:

Judge: Ammerman, Fredric J.
President Judge

Lower Court Docket No.: NO. 2007-1728-CD

ORIGINAL RECORD CONTENTS

Appeal Docket Sheet

Docket Number: 862 WDA 2008

Page 3 of 3

May 21, 2008

Superior Court of Pennsylvania



Original Record Item

Filed Date

Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
May 21, 2008	Notice of Appeal Filed	Appellant	Treasure Lake Property Owners Association, Inc.
May 21, 2008	Docketing Statement Exited (Civil)		Western District Filing Office

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY,
Plaintiff

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION, INC.,
Defendant

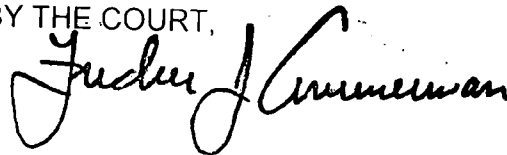
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NO. 07-1728-CD

ORDER

NOW, this 19th day of May, 2008, this Court having been notified of Appeal to the Superior Court of Pennsylvania in the above-captioned matter; it is the ORDER of this Court that **TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.**, Appellant, file a concise statement of the matters complained of on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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MAY 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

1CC Atty's:

Naddeo
Yeager

CP

#18

FILED

MAY 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/19/08

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

S
FILED

MAY 16 2008
6/3/08
William A. Shaw
Prothonotary/Clerk of Courts

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Superior Ct.
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

7 SENT TO
ATTY

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
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: Type of Case: Equity
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: Type of Pleading: Notice of Appeal
: and Statement Relative to Transcript
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: File on behalf of Defendant
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: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: May 16, 2008

17

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

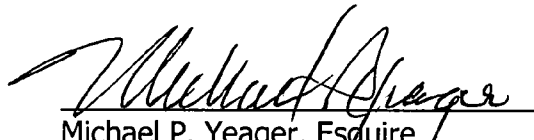
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No. 2007-1728-CD

NOTICE OF APPEAL

Notice is hereby given that Defendant, TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC. ("TLPOA") hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on May 8, 2008; said Order granting Plaintiff's Motion for Judgment on the Pleadings and denying Defendant's Motion for Judgment on the Pleadings. The Order and judgment has been entered on the docket as is evidenced by the attached copy of the Docket Entries.

Respectfully submitted,


Michael P. Yeager, Esquire
Attorney for Defendant

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
10/24/2007	New Case Filed.	No Judge
	Filing: Complaint-Equity Action Paid by: Naddeo, James A. (attorney for Gray, Cheryl A.) Receipt number: 1921181 Dated: 10/24/2007 Amount: \$85.00 (Check) 3CC Atty Naddeo.	No Judge
	Bond, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
	Petition For Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
10/26/2007	Order AND NOW, this 26th day of of October 2007, upon consideration of the verified Counterclaim in equity in this action and the accompanying Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, pursuant to Pa.R.C.P. 1531 and plaintiff having filed a bond as required under Rule 1531 (b) (1) it is hereby ORDERED that: A) Defendant is enjoined from destroying the taped minutes of a board meeting held on August 27, 2007. This Injunction is granted without notice to defendant, a hearing on the continuance of this injunction shall be held not more than five days after the date of this Order. Said hearing shall be on the 31st day of October 2007 at 2:00 pm in Courtroom 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 5CC Atty Naddeo.	Fredric Joseph Ammerman
10/31/2007	Sheriff Return, October 29, 2007 at 1:43 pm Served the within Petition; Order; Complaint in Equity; Bond on Treasure Lake Property Owners Association Incorporated by handing to Cherlene Lutz. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$46.84 Answer and New Matter to Complaint - Equity, filed by s/ Michael P. Yeager, Esquire. 3CC Atty. Yeager	Fredric Joseph Ammerman
11/1/2007	Order, this 31st day of Oct., 2007, it is Ordered that the Defendant continues to be enjoined from destroying the audiotape of the board meeting held on August 27th, 2007 until such time as the Court should issue a decision on the merits and relative any appeal if that should happen. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Naddeo; 2CC Def. - 13 Treasure Lake, DuBois, PA 15801	Fredric Joseph Ammerman
11/19/2007	Reply To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
3/11/2008	Motion for Judgment on the Pleadings, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	Fredric Joseph Ammerman
	Order AND NOW, this 11th day of March 2008, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff, it is hereby ORDERED that: 1. The Respondent shall file an answer to the motion within 20 days of service, thereof, said service to be made by defendant and; 2. a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested. Rule Returnable and argument thereon to be held the 22nd day of April 2008 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Naddeo.	Fredric Joseph Ammerman
3/12/2008	Certificate of Service, filed. That a certified copy of Motion for Judgment on the Pleadings was served on the 12th day of March 2008 by first class mail to Michael P. Yeager Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Date: 5/15/2008

Clearfield County Court of Common Pleas

User: BILLSHAW

Time: 02:05 PM

ROA Report

Page 2 of 2

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs. Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
3/19/2008	Response to Motion for Judgment on the Pleadings, filed by s/ Michael P. Yeager, Esquire. 1CC Atty. Yeager	Fredric Joseph Ammerman
4/14/2008	Amended Answer and New Matter to Complaint-Equity, filed by s/ Michael P. Yeager, Esquire. 2CC Atty. Yeager	Fredric Joseph Ammerman
4/21/2008	Reply to Amended New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
4/22/2008	Motion for Judgment on the Pleadings, filed by Atty. Yeager 2 Cert. to Atty.	Fredric Joseph Ammerman
5/8/2008	Order, this 8th day of May, 2008, it is Ordered that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff is Granted. The Motion for Judgment on the Pleadings filed on behalf of the Defendant is Dismissed. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys: Yeager, Naddeo	Fredric Joseph Ammerman
5/14/2008	Praecipe For Final Judgment, judgment for Plaintiff and against Defendant in the above-captioned case upon the Order of Court entered May 8, 2008. filed by s/ James A. Naddeo, Esquire. 1CC Atty.	Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

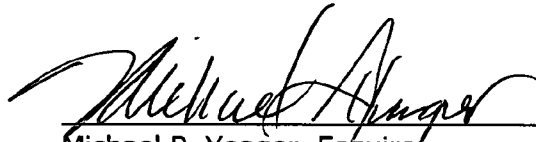
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

STATEMENT RELATIVE TO TRANSCRIPT

COMES NOW, the Defendant, TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., by and through its attorney, MICHAEL P. YEAGER, ESQUIRE, and indicates that there is no verbatim record of the proceedings or a transcript in view of the Court Order of May 8, 2008 granting Plaintiff's Motion for Judgment on the Pleadings and dismissing Defendant's Motion for Judgment on the Pleadings.

Respectfully submitted,


Michael P. Yeager, Esquire
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

CERTIFICATE OF SERVICE

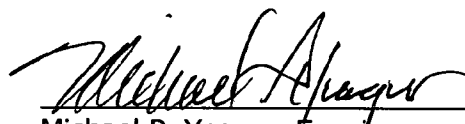
I certify that on the 16th day of May, 2008, a copy of the foregoing NOTICE OF APPEAL and STATEMENT RELATIVE TO TRANSCRIPT in the above-captioned matter were hand-delivered to the following:

The Honorable Fredric J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Daniel Nelson, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Court Reporter
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

James A. Naddeo, Esquire
NADDEO & LEWIS
207 E. Market Street
Clearfield, PA 16830



Michael P. Yeager, Esquire
Attorney for Defendant

FILED

MAY 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

**PRAECIPE FOR FINAL
JUDGMENT**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: May 14, 2008

FILED
10:46am GK
MAY 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

#16

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

No. 2007-1728-CD

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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CERTIFICATE OF SERVICE


I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Praecept for Final Judgment was served on the
following and in the following manner on the 14th day of May,
2008:

First-Class Mail, Postage Prepaid

Michael P. Yeager, Esquire
P.O. Box 752
110 North Second Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiff

FILED

MAY 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY,
Plaintiff

vs

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

NO. 07-1728-CD

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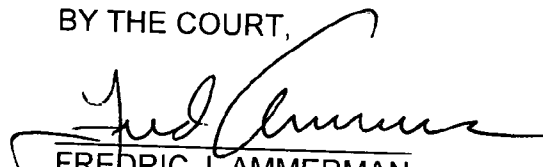
MAY 08 2008

0/4:00/W
William A. Shaw
Prothonotary/Clerk of Courts
SENT TO ATTORNEY

ORDER

NOW, this 8th day of May, 2008, it is the ORDER of this Court that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff on March 11, 2008 is hereby GRANTED. The Motion for Judgment on the Pleadings filed on behalf of the Defendant on April 22, 2008 is hereby DISMISSED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
MAY 08 2008
William A. Shaw
Prothonotary/Clerk of Courts

DATE: _____
____ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other
____ Defendant(s) _____ Defendant(s) Attorney
____ Special Instructions:

DATE: 5-8-08
____ You are responsible for serving all appropriate parties.
X The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) X Plaintiff(s) Attorney _____ Other
____ Defendant(s) X Defendant(s) Attorney
____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Motion for
: Judgment on the Pleadings
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

^S
FILED [®]
APR 22 2008
2 CHAT TO ATT
William A. Shaw
Prothonotary/Clerk of Courts

Dated: April 22, 2008

#14

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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No. 2007-1728-CD

MOTION FOR JUDGMENT ON THE PLEADINGS

COMES NOW, the TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., by and through its attorney, MICHAEL P. YEAGER, ESQUIRE, and files the within Motion for Judgment on the Pleadings, alleging as follows:

1. On or about October 24, 2007, Plaintiff filed a Complaint as against the Defendant alleging that Plaintiff was denied the right to copy the taped minutes "Tape Recording" of the Treasure Lake Property Owners Association, Inc. ("TLPOA") Board Meeting held on August 27, 2007.

2. Also on or about October, 24, 2007, Plaintiff also filed a Petition for Temporary Retraining Order and Ex-Parte Preliminary Injunctive Relief restraining the TLPOA from destroying or disposing of the Tape Recording.

3. Defendant responded with an Answer and New Matter on or about October 31, 2007.

4. After discussion before the Court, the matter was continued with the assurance that the tape recording would not be destroyed.

5. Plaintiff responded to Defendant's New Matter on November 19, 2007.

6. Plaintiff filed a Motion for Judgment on the Pleadings on or about March 11, 2008; to which Defendant responded on or about March 19, 2008.

7. On or about April 8, 2008, Defendant amended its Answer and New Matter, which was consented to by the Attorney for the Plaintiff and filed on April 14, 2008.

8. The Defendant now files its Motion for Judgment on the Pleadings.

9. The TLPOA Board meets regularly and regularly utilizes audio tape recordings of portions of those meetings to assist a secretary in preparing a draft of written "minutes" for ultimate approval by the TLPOA Board.

10. An audio tape was made of portions of the discussions that occurred at the August 27, 2007 meeting of the TLPOA Board. That audio tape was utilized administratively to prepare proposed written "minutes" of the August 27, 2007 TLPOA Board meeting. The TLPOA Board reviewed and approved those proposed written "minutes" at the TLPOA Board meeting held on September 24, 2007.

11. The TLPOA Board reviewed and approved those proposed written "minutes" of the TLPOA Board Meeting held on September 24, 2007.

12. The TLPOA operates pursuant to various Bylaws. Additionally and supplementary to those Bylaws, the TLPOA has enacted a number of policies including Policy A-45. This Policy, originally adopted on November 7, 2005, with an additional revision adopted on January 2, 2006, addresses the audio tape recording of meetings, the use of those audio tapes and the accessibility of the same to various parties.

13. The Pennsylvania Nonprofit Corporation Code (15 Pa. C.S. §5501 et sec.) ("Code") does address record keeping and availability (15 Pa. C.S. §5508).

14. Section 5508(b) of the Code thereof indicates both that members may inspect certain records but limits how members may inspect the same, indicating that such members may view:

- (a) Membership registers
- (b) Books and record of account;
- (c) Records of the proceedings of members, directors and any other body.

15. For purposes of this lawsuit, consideration must be made as to what is meant by "record of the proceedings" of the TLPOA Board.

16. Section 5508(a) of the Code discusses "required records".

17. Thereafter, that section indicates that nonprofit corporations must (as previously noted) keep a membership register, books or records of account; but then adds the following with regard to the proceedings:

"...every nonprofit corporation shall keep minutes of the proceedings of the members, directors and any other body". 15 Pa. C.S. §5508(a), Emphasis Supplied.

18. Defendant respectfully argues that the "records of the proceedings" of the Board as required in Section 5508(b) are defined in Section 5508(a) to be the "minutes" of the proceedings.

19. Plaintiff is entitled to the "minutes" of the meeting of August 27, 2007.

20. The only "minutes" of that meeting were written "minutes" approved by the Board at its regularly scheduled September meeting held on September 24, 2007.

21. The Board never approved the audio tape of portions of the August 27, 2007 meeting for any record purpose.

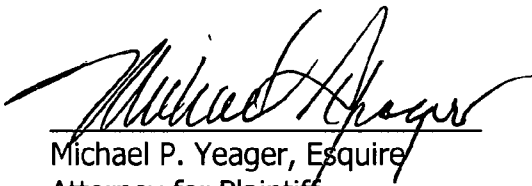
22. The Defendant does not maintain audio tapes as "minutes" or "taped minutes" as has been suggested by Plaintiff. They are only used to draft suggested written "minutes" for ultimate approval except as outlined in TLPOA Policy A-45.

23. The law does not otherwise require those audio tapes of portions of meetings or other aids in drafting suggested written "minutes" to be maintained and made available.

24. The Defendant is entitled to judgment as a matter of law based on the foregoing.

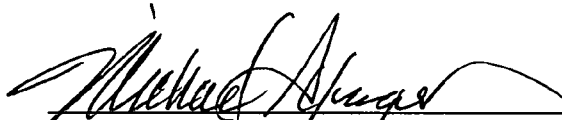
WHEREFORE, the Defendant, Treasure Lake Property Owners Association, Inc. requests that this Honorable Court enter judgment in its favor and against Plaintiff otherwise denying the relief and actions requested by Plaintiff herein. Defendant further requests an entry of an order permitting Defendant to destroy the audio tape with portions of the Board meeting held on August 27, 2007 in accordance with Policy A-45 now that Plaintiff has had an opportunity to review those portions in accordance with the Policy.

Respectfully submitted:


Michael P. Yeager, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

On April 22, 2008, I delivered a copy of the foregoing Motion for Judgment on the Pleadings filed in the above-captioned matter to James A. Naddeo, Esquire, NADDEO & LEWIS, 207 E. Market Street, Clearfield, PA 16830. Said forwarding was by hand delivery.



Michael P. Yeager, Attorney for Defendant
Treasure Lake Property Owners Association,
Inc.

FILED

APR 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

**REPLY TO AMENDED
NEW MATTER**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: April 21, 2008

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FILED

APR 21 2008

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William A. Shaw

Prothonotary/Clerk of Courts

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#13

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

No. 2007-1728-CD

REPLY TO AMENDED NEW MATTER

NOW COMES the Plaintiff, Cheryl A. Gray, and by her attorney, James A. Naddeo, replies to Defendant's New Matter and sets forth as follows:

15. No answer is required by Plaintiff to paragraph 15.

16. Denied. Defendant's Exhibit C (TLPOA Policy A-45) in and of itself states purposes other than the sole purpose averred in paragraph 16 by Defendant. In particular Policy A-45 states that "the tapes shall be available to interested parties (e.g. property owners and other designees of the board) for **reference purposes after** the draft written minutes are produced and shall be available for interested parties to **listen to** the taped minutes.

17. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of said averment.

18. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of said averment.

19. Denied in part; admitted in part. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of what the Board does with taped and/or written minutes after each meeting. It is specifically denied that there is any distinction between an "official" record and other records of the TLPOA Board. It is admitted that the TLPOA has adopted the Bylaws and Policy A-45 as referenced and attached by Defendant at paragraph 18.


20. Admitted in part; denied in part. It is admitted that Policy A-45 provides that the audio tapes of meetings are to be maintained for a period of 60 days subsequent to approval of the written minutes of the same meeting by the Board and then destroyed. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of what the TLPOA actually does with the audio tapes after each meeting and when this is actually done by the TLPOA.

21. Denied in part; admitted in part. Denied in part as after reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of what specific action Defendant will take on or about November 24, 2007 (unless otherwise ordered). Admitted that pursuant to

Policy A-45 the taped minutes of the August 27, 2007 meeting would be scheduled to be destroyed on or about November 24, 2007.

WHEREFORE, the Plaintiff, Cheryl A. Gray, prays for relief and that judgment be entered in her favor and against the defendant with costs and interests thereon.

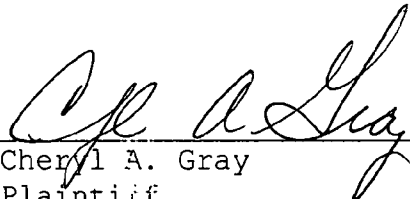
NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiff

V E R I F I C A T I O N

I, Cheryl A. Gray, Plaintiff, verify that the statements made in the foregoing Reply to Amended New Matter are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:


Cheryl A. Gray
Plaintiff

Dated:

4/19/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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No. 2007-1728-CD

CERTIFICATE OF SERVICE

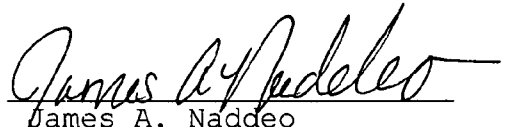
I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Reply to Amended New Matter was served on the
following and in the following manner on the 21st day of April,
2008:

First-Class Mail, Postage Prepaid

Michael P. Yeager, Esquire
P.O. Box 752
110 North Second Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant
Counsel of Record for this Party

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Amended Answer
: and New Matter to Complaint - Equity
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: April 8, 2008

^S
FILED 2cc
01/10:16 Btl
APR 14 2008 Amy Yeager
William A. Shaw
Prothonotary/Clerk of Courts

(12)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

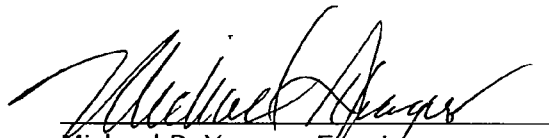
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No. 2007-1728-CD

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby notified to file a written response to the enclosed Amended New Matter within twenty (20) days from service hereof or a judgment may be entered against you.


Michael P. Yeager, Esquire
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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No. 2007-1728-CD

AMENDED ANSWER AND NEW MATTER TO COMPLAINT – EQUITY ACTION

COMES NOW, the Defendant Treasure Lake Property Owners Association, Inc. ("TLPOA") by and through its attorney, MICHAEL P. YEAGER, ESQUIRE and files this Amended Answer and New Matter to Complaint – Equity Action, alleging as follows:

1. The Defendant incorporates its previous responses to Counts I and II and Paragraphs 1 through 14 to Plaintiff's Complaint as if the same were more fully set forth at length herein and without further alteration.

WHEREFORE, Defendant requests that Plaintiff's prayer for relief and judgment be denied and that judgment be otherwise entered in favor of Defendant and as against Plaintiff, particularly denying injunctive relief together with costs and interest thereon.

NEW MATTER

15. Defendant incorporates responses to Paragraphs 1 through 14 of Plaintiff's Complaint as though the same were more fully set forth at length herein.

16. The audio tape made during the August 27, 2007 TLPOA Board Meeting was made solely for the purpose of assisting the transcribing secretary in preparing written

"minutes" to ultimately be reviewed by the Board and approved at a subsequent meeting.

17. The audio tape made during the August 27, 2007 TLPOA Board Meeting was made of only certain portions of that meeting; and the audio tape was not activated throughout the entire meeting.

18. The TLPOA Board approved the written "minutes" of the August 27, 2007 meeting at its September 24, 2007 meeting as is evidenced by a copy of those "minutes" as so approved, attached hereto, made part hereof and incorporated herein as "Exhibit A".

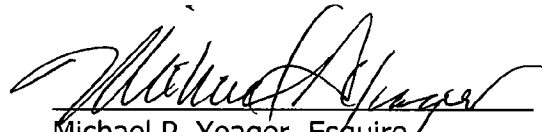
19. Once the written "minutes" of a particular meeting are approved, they become the official record of the proceedings of the Board; and are incorporated within the TLPOA corporate minute book pursuant to the Bylaws (Paragraph 6.2.3.1) and Policy A-45 of the Defendant. A copy of the Defendant's Bylaws is otherwise attached hereto, made part hereof and incorporated herein as "Exhibit B" while a true and correct copy of Policy A-45 is attached hereto, made part hereof and incorporated herein as "Exhibit C".

20. The audio tapes, utilized to help with creation of the written "minutes", are preserved pursuant to Policy A-45 for a period of 60 days subsequent to approval of the written "minutes" and then destroyed.

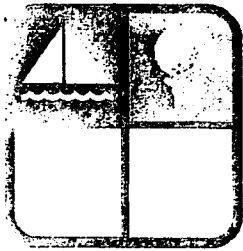
21. Pursuant to Policy A-45, unless otherwise ordered, the Defendant will destroy the audio tape made during the August 27, 2007 meeting on or about November 24, 2007 (that date being 60 days from the approval of the written "minutes" for the TLPOA Board meeting of August 27, 2007).

WHEREFORE, Defendant requests that Plaintiff's prayer for relief and judgment be denied and that judgment be otherwise entered in favor of Defendant and as against Plaintiff, particularly denying injunctive relief together with costs and interest thereon.

Respectfully submitted,



Michael P. Yeager, Esquire
Attorney for Defendant



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BOARD MEETING – MONDAY, AUGUST 27, 2007

The regular meeting of the Treasure Lake Property Owners Association Board of Directors was held at the POA on Monday evening, August 27, 2007. President Dick Reherrmann presided as chair.

QUORUM AND RECORD OF DIRECTORS PRESENT

President Reherrmann called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. The following board members were in attendance: Barry Abbott, Lori Corcoran, Ed Moran, Rich Harknett, Marti Laudato, Mike Nedzinski, Bill Reznor, Randy Zartman and Dick Reherrmann. Also in attendance, General Manager Matt Begley.

APPROVAL OF THE AGENDA

Ms. Corcoran made the following motion: **Mr. Chairman, I move to approve the agenda as presented.** The motion was properly seconded. The vote was taken by a show of hands. **The motion carried unanimously.**

APPROVAL OF MINUTES

July 23, 2007 Regular Board Meeting: Mr. Moran made a motion to approve the minutes of the July 23, 2007 regular board meeting. The motion was properly seconded. The vote was taken by a show of hands. **The motion carried unanimously.**

August 6, 2007 - Special Board Meeting: Mr. Harknett made a motion to approve the minutes of the August 6, 2007 special board meeting. The motion was properly seconded. The vote was taken by a show of hands. **The motion carried unanimously.**

COMMITTEE REPORTS

Finance - The committee made the following recommendation: Changes to the footnotes of the audit report for the year ended April 30, 2007.

Infrastructure & Maintenance-The recommendations from the committee are as follows: 1.) Gannett Fleming include The PA Wilds Development Guidelines in the master plan; 2.)Gannett Fleming complete the master plan ASAP. The plan will be complete by the October 9, 2007 Infrastructure & Maintenance; 3.) The board close the road beyond the stump dump (Sludge Dump Road) and permanently barricade it.

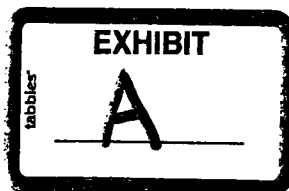
Special Borough - The recommendations of the committee are as follows: 1.) Treasure Lake roads be dedicated to TL Borough and maintained by property taxes; 2.) The amenities – golf courses, lakes and docks, lodges – remain the property of the TLPOA at least for now; 3.) Mr. Begley develop a list of the present needs of TL and determine the costs to provide those basic needs.; 4.) Mr. Reznor will ask for a sense of the board's resolution at the board's next meeting.

The committee reports and special committee reports as received are on file at the POA office.

TREASURER'S REPORT:

The spreadsheet prepared by management depicts the following accounting for revenues and expenses:

The total revenues from administration is exceeding budget and is stated at 104.4% for the quarter ended July 31, 2007. The total amenity stream of income is below budget mainly due to the underperforming of Cayman Landing, the marina and the golf courses. I have enclosed a summary of this spreadsheet and will touch on those particulars items when we review that document.



Expenses for both administration and amenities are collectively at or below budget for both the month and the quarter ending in July. However, administrative expenses are running at 105% and that mainly is due to professional fees. This year we received and paid the audit fee in the month of July along with some legal fees relating to ongoing issues. Also, we have taken over the 19th hole at the Silver golf course due to the restrictions on transferring the liquor license so those line items for revenues and expenses will differ significantly from budget.

Although I have stated that the administrative revenues are exceeding budget there will be some line items that will be affected. On the revenue side we have budgeted 70,000 in timber revenues. This amount was collected last fiscal period and we do not anticipate any source of revenues from that action. Additionally, the price of timber is down and the market is not favorable at this time. Expenses for insurances will see a rather large reduction due to receiving a favorable bid from our current carrier. These savings amount to approximately 100,000 and we should have enough safeguards in place to reach our projected bottom line.

In reviewing the recap/summation of the management report you will note that the line item for security has been moved to be consistent with the internally prepared management reports. You will also find disclosures that touch briefly on the variances that are below acceptable or desired levels. These items were discussed at the finance meeting and we are hopeful that the tabulation for the month of August will show improvement in these areas. Corrective steps will be discussed if this trend continues. It should be noted that all of the amenities are equal or exceeding the previous year's collections but none the less they are falling short of the first quarter budget.

PRESIDENT'S REPORT

Mr. Rehmann stated all committees are fully supported with volunteers and are functioning well. Mr. Rehmann stated property owners are still volunteering for committee service. Mr. Rehmann thanked the Recreation committee in particular and all who helped to make the recent George Thorogood concert a success. Mr. Rehmann thanked the property owner who alerted him to the presence of the media in regards to the media coverage of the geese problem on NPB. Mr. Rehmann reminded the audience that all board actions will be posted on the Treasure Lake website.

GENERAL MANAGER'S REPORT

Mr. Begley reported the POA is developing a database of property owners' e-mail addresses to be used for special informational updates on the borough committee and other timely topics. Property owners will also be able to elect to have their Treasure Chest newsletter delivered to their e-mail mailbox. Mr. Begley stated that property owners will routinely be asked to provide their e-mail address when ever contact is made with the POA. The goal is to have approx. 25% of the address within one year. Mr. Begley thanked Lori Corcoran for her tireless efforts during the George Thorogood concert. He also noted that only 3 lifeguards remain on the POA payroll and it will not be possible to keep the pools open during the afternoons on weekdays. The pools will remain open on the weekends. Mr. Begley called attention to the motion before the board to approve pursuing a permit to drawdown Treasure Lake to do some needed repairs to the dam and to allow property owners to use this opportunity to repair docks and deepen the areas around their docks. The lake will be lowered 3-5 feet if the permit is approved.

FLOOR OPEN TO COMMENTS AND QUESTIONS FROM MEMBERS

Mr. Dave Sylvis – Sec 5 lot 165: Mr. Sylvis requested the Borough cmte. research and present to the property owners all possible impacts of becoming a borough. He noted the borough would have the ability to assess taxes at a higher millage than the township does. Mr. Sylvis also stated a borough would have to provide for services that the township does not such as low income housing and that Gov. Rendell just signed a law excluding the first \$12,000 of income for the EMS tax.

Mr. Doug Mellors - Sec 15 lot 207: Mr. Mellors asked if the POA received a response to the letter sent to Coldwell Banker regarding the modification for the then proposed sign. Mr. Begley replied he received a reply thanking the POA for the letter and stating Coldwell Banker would proceed with the sign as proposed. Mr. Mellors suggested possibly we should stop permitting Coldwell Banker to advertise in the treasure Chest because of their disregard of our requests.

Mr. Mike Solensky – Section 15 lot 354: Mr. Solensky stated he had given a letter to Mr. Rehmann, Mr. Harknett and Mr. Begley suggesting the POA could take action against the Coldwell Banker sign as it does not integrate with the natural beauty of Treasure Lake. Mr. Solensky suggested the POA obtain a legal opinion of what courses of action may be open to the POA. Mr. Solensky requested copies of any agreements or permits issued for the sign.

Ms. Patricia Mellors - Sec. 15 lot 207: Ms. Mellors pointed out the policy J-1 stipulates that a property owner can not serve on the Judicial committee and also the Safety & Security and/or the Property Control cmte. Mrs. Mellors also noted that all but one board member voted to approve the committee membership and by doing so this policy was violated.

Mr. Craig Bell – Sec 15 lot 67: Mr. Bell read a statement informing the board of a new group within Treasure Lake to be known as Treasure Lake Owners – Active, Concerned Together (TLO-ACT) The stated purpose of this group is to require accountability of the board to the property owners. Mr. Bell listed the following issues to which TLO-ACT would like a written response from the board. The issues are: 1.) Developac Realty Office Sign; 2.) Golf course no trespassing sign; 3.) Cayman Campground condition; 4.) Derelict docks and private dock identification; 5.) Treasure Lake vehicle identification; 6.) Charitable and other contributions; 7.) General Manager's employment agreement. The statement Mr. Bell read and distributed is on file at the POA Administration office.

Mr. Cal Johnson – Sec 5 lots 9 & 9A: Mr. Johnson inquired as to the possibility of increased measures being taken to control both the deer population and the geese population. Mr. Begley replied the number of available D-MAPS were increased this year and there was a slight increase in the amount of acreage included in the hunt areas. Mr. Begley also noted all avenues of non-lethal control of the geese have been exhausted and TL is now pursuing permission to use lethal methods of control because of the health issues involved with the fecal bacterial counts on the beaches.

Ms. Nancy Kunselman – Sec 15 lot 210: Ms. Kunselman inquired if there will be Treasure Lake Fall trash clean-up days this year. Ms. Kunselman also stated that she has not received a letter regarding the stump dump as wondered if they have been mailed and if not when could she expect to receive the letter. Ms. Kunselman asked if the Special Borough cmte. questions and answers document would be posted in areas of public availability so that property owners without internet access could view the material also.

Ms. Mary Mars – Sec 19 lot 512: Ms. Mars asked if the property owners could e-mail the POA administration offices with their e-mail addresses. Mr. Begley responded they could and the e-mail address on the website goes directly to the administrative assistant who will plug them into the database.

Ms. Cheryl Gray-Sec. 17 lot 25: Ms. Gray read from a statement about e-mails she received from Board Members Mike Nedzinski and Bill Reznor in response to her letter to the editor which was published in the Courier Express. She expressed her disapproval for the content of the e-mails and strongly suggested the board of directors address the conduct of Board Member Mike Nedzinski. The statement Ms. Gray read and distributed is on file at the POA Administration office.

Mary Mars Sec 19 – Lot 512: Ms. Mars attended a Crown Resorts' meeting in the place of her daughter and was told by the gentleman conducting the meeting that he knew very little about the activities available to Crown Resorts members because they were not allowed to come to the POA meetings. Ms. Mars informed him that when a timeshare member is in residence they are allowed to attend the meetings. Ms. Mars asked if they are allowed to come to our meetings. Mr. Rehmann replied they have not been told they can not attend.

BOARD MEMBER COMENTS

Mr. Nedzinski: Mr. Nedzinski stated he agrees with Mr. Mellors and Mr. Solenski and he has voiced his displeasure with the Coldwell Banker office and encourages people to express their displeasure to Coldwell Banker. Mr. Nedzinski stated he stands by most of the content of his e-mail because Ms. Gray gave the impression in the letter she knew the results of the block vote and no one knows that.

Mr. Zartman: Mr. Zartman requested that everyone keep an open mind regarding the borough issue and try to think outside the box when the information is made available to you.

Ms. Laudato: Ms. Laudato read from a statement regarding e-mails she received from board members Mike Nedzinski and Ed Moran regarding her comments on the position of liaisons to committees. Ms. Laudato read Mr. Nedzinski's e-mail and objected to the use of profanity directed at Ms. Laudato. Ms. Laudato requested the board rebuke Mr. Nedzinski and petition the court to remove Mr. Nedzinski from the board. The statement Ms. Laudato read and distributed is on file at the POA Administration office.

Mr. Rehermann: Mr. Rehermann pointed out to the board and audience that all board members sign a pledge that requires them to keep confidential board communications. Mr. Rehermann asked Mr. Nedzinski if the e-mail was sent under the notice of confidentiality.

Mr. Nedzinski: Mr. Nedzinski stated he did.

Ms. Laudato: Ms. Laudato stated she was okay with reading the email.

Mr. Rehermann: Mr. Rehermann called for order. Mr. Rehermann stated that he was informed of this at the same time everyone in the meeting was informed and asked for common courtesy from the board and the audience.

Ms. Corcoran: Ms. Corcoran asked Ms. Laudato if she was willing to stand by her statement and that Ms. Laudato feels she is owed an apology for the language and that no board member asked for an apology from Mr. Nedzinski to Ms. Laudato. Ms. Laudato indicated she did. Ms. Corcoran then asked Ms. Laudato to recall an e-mail that Ms. Laudato sent to Ms. Corcoran that was extremely hostile, discourteous and disparaging and no board member, present or past, stood up for Ms. Corcoran, nor did she receive an apology, nor did she or will she make it public. Ms. Corcoran stated the board sometimes disagrees in a manner that isn't pleasant but Ms. Corcoran also noted two board members who publicly humiliated a staff member at a meeting and nothing was done about it. Ms. Corcoran noted the people complaining about disrespect are the board members who disrespected and embarrassed the staff member in public. Ms. Corcoran asked the board to reconcile this matter in a more professional manner than has been displayed.

Mr. Nedzinski: Mr. Nedzinski reminded the board that Ms. Laudato used a profanity in reference to him at the previous board meeting.

Ms. Laudato: Ms. Laudato reminded Mr. Nedzinski that she apologized for that lapse.

Mr. Rehermann called Ms. Laudato to order.

Mr. Harknett: Mr. Harknett stated that after some additional thought he will vote against motion B instead of abstaining. He noted his vote reflects his belief the committee is already too large.

Mr. Reznor: Mr. Reznor stated he has met with the township manager and has been offered the documented township revenues for use in determining possible revenue levels for the borough. Mr. Reznor also stated the borough information will be posted on the local bulletin boards and property owners may mail any questions they may have regarding the borough status to the POA office. Mr. Reznor detailed an incident he experienced with a local TV news crew who neglected to keep their word to include a disclaimer that Mr. Reznor required as a condition of interview that the opinions Mr. Reznor expressed were his opinions and not those of the board. They also erroneously identified him as the president of the board.

Mr. Moran: Mr. Moran noted the frustration he and the board members experience by virtue of their service on the board. He was given the advice as a new board member that he needed to have a thick skin to be on this board. Mr. Moran stressed he does not always condone the behavior exhibited by board members but because there is conflicting issues and opinions, both on the board and in the community, he believes there is a need for a board spokesperson. Mr. Moran requested permission and read the entire e-mail from which Ms. Laudato had read excerpts. Mr. Moran stated in his opinion the board should start acting as adults and stop bickering and get on with the work of the board.

Ms. Corcoran: Ms. Corcoran noted seven members of the Recreation cmte. worked tirelessly for the George Thorogood concert on Saturday and also several teenagers graciously spent their last Saturday of the summer helping with the preparations from late morning to early evening. Ms. Corcoran thanked Annie and Ned Caldwell, Cicellia Miller, Toni Huston, Tarin Mooneyham, Terri and Kenny Knarlesboro, Jessie Piazzio, Rachel Dressler, Emily Miller, Sarah Miller and Veronica Corcoran for their hard work and time. Ms. Corcoran also thanked Mr. Tom Boylan for his excellent work in producing the Treasure Chest and called particular attention to the most recent issue wherein the committee reports from the POA Annual General Membership meeting are recorded. Ms. Corcoran also stated the board will look into the issue reported that a member of the Judicial cmte. may also be serving on the Property Control or Safety & Security cmte. and resolve it. Ms. Corcoran asked the property owners to extend to the board the courtesy of not talking or leaving while a board member is speaking as the board members are careful to extend that courtesy to the property owners.

Mr. Abbott: Mr. Abbott stated he has received phone calls regarding dog control; Cayman Landing, golf course signage and stump dump issues. Mr. Rehmann requested if a property owner has a concern put it in writing and send it to the general manager and your concerns will be addressed. Mr. Abbott also noted that he is doing his part to beautify the stump dump by planting some day lilies there.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Reznor made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation accept the resignation of Joyce Gosch from the Judicial committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Moran –yes; Mr. Nedzinski- yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Nedzinski made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation accept the addition of Tom Boylan to the Golf committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - no; Ms. Laudato –no; Mr. Nedzinski- yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. 6- Affirmative; 2- Negative. **The motion carried.**

Ms. Corcoran made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation accept the addition of Ed Bajus to the Cayman Landing committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Harknett made the following motion: **Mr. Chairman I move that the board of directors by majority vote in affirmation accept the resignation of Richard Vollenweider from the Property Control Committee and accept the appointment of Charles Myers to the Property Control Committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

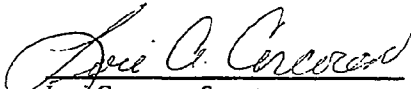
Mr. Abbott made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation approve the documentation and deer management program as proposed by the Wildlife committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran – yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Moran made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation authorize the general manager to pursue the permitting process for a drawdown of Treasure Lake as presented by the general manager at the August 20, 2007 work session.** The

motion was properly seconded. The following roll call vote was recorded: Mr. Abbott –yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

MOTION TO ADJOURN

There being no further business to conduct, Ms. Laudato made a motion to adjourn. The motion was properly seconded. The vote was taken by a show of hands and the motion carried unanimously. The regular meeting of the TLPOA Board of Directors adjourned at 8:30 p.m.


Lori Corcoran, Secretary

Date Minutes Approved: 9/19/07

BYLAWS OF THE TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.

ARTICLE I NAME, PURPOSE, AFFILIATIONS

Section 1.1 NAME: This Corporation shall be known as the Treasure Lake Property Owners Association, Inc. (the "Association"), a Pennsylvania non-profit corporation whose business address is 13 Treasure Lake, DuBois, PA 15801.

Section 1.2 PURPOSE AND OBJECTIVE: The general purpose of the "Association" is to further and promote the community welfare of the Treasure Lake property owners, including but not limited to, the holding, management, maintenance and enhancement of such real properties, infrastructures and easements owned by the Association and those which the Association has acquired or may acquire in the future. In exercising this obligation the Association may take such action, as it deems necessary to promote the safety, security, and well being of its property owners.

1.2.1 Glossary of Terms. A 'glossary of terms' (Appendix A) is made part of these bylaws to provide further elaboration where necessary regarding the intended meaning of various provisions throughout the text.

1.2.2 Action By Board of Directors. Whereas the members of the board of directors are elected by those members in good standing of the Association to further and promote the community welfare and to take such action as it deems necessary to promote the safety, security, and well being of its property owners, the directors shall vote on the various issues presented before it in the following manner as generally prescribed throughout these bylaws. 'Elected directors' means the nine (9) directors specified in these bylaws as constituting the membership of the board of directors whether elected by the general membership or selected to fill a directorship as the result of a board vacancy.

(a) Majority vote shall mean: A roll call vote in the affirmative of a majority of the directors present when there is a quorum for business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last. A roll call is not required for purposes of voting to adjourn a meeting or work session.

(b) Two-thirds (2/3rd) vote shall mean: A roll call vote in the affirmative of the elected directors when there are not less than 6 directors present for that particular business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last.

Section 1.3 AFFILIATIONS: All Treasure Lake organizations, or groups, as of the date of adoption of these bylaws, shall continue to be recognized as being affiliated with or otherwise under the auspices of the Association until their dissolution.

1.3.1 Procedures for Affiliations or Sponsorship. An organization or group may become affiliated with the Treasure Lake Property Owners Association, Inc., with the approval by a majority vote of the board of directors. Application for affiliation with or sponsorship by the Association shall be submitted in writing to the board for review and consideration. The application must be in letterform and shall contain a brief description of the applicant(s) (organization(s)) purpose, structure, and requirements for membership. Upon receipt of such application, the board shall make its decision to approve or disapprove such affiliation within sixty (60) days after receipt of the application by the board secretary.

1.3.2 Dissolution of Affiliation. The board of directors may, for just cause, withdraw affiliation upon a majority vote to do so. The board secretary shall notify the affiliated organization in writing explaining the board's decision to terminate affiliation not less than fifteen (15) days prior to the date set for such action, thereby affording the organization an opportunity to appeal such action. Any appeal against disaffiliation must be made in writing within this prescribed time period.

ARTICLE II MEMBERSHIP

Section 2.1 REGULAR MEMBERSHIP. Regular membership of the Association shall consist of the following: all persons, partnerships, or corporations, who acquire title, legal or equitable, to any form of real estate within the Treasure Lake subdivision, Sandy Township, Clearfield County, Pennsylvania, other than the Treasure Lake Property Owners Association, Inc. ("Association"). For purposes described herein 'acquire title' means, the names appearing on the deed or other legal instrument established for recording ownership, or affiliation with, an entity that has acquired real estate within the Treasure Lake subdivision.

Section 2.2 ASSOCIATE MEMBERSHIP. Associate memberships shall be divided into two groups: Full associate membership and limited associate membership. The regular member must be a member in good standing for the associate membership(s) to be valid.

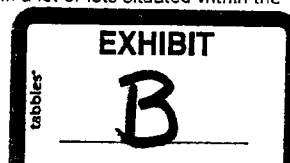
2.2.1 Full Associate Membership. Full associate membership shall be afforded all rights and privileges as that of a regular membership, to all persons residing in the same household as the regular member and claiming said household as their permanent residence. However, full associate members shall not have the right to vote, hold elective office, or to chair any committee of the Association.

2.2.2 Limited Associate Membership. Limited associate membership may be granted for the use of amenities that allow public access, as deemed by the board of directors. Rules and regulations regarding limited associate membership will be defined by the board of directors and generally applies to guests of a regular member or full associate member, as well as those persons residing in the Treasure Lake subdivision under the terms of a written long-term lease or long-term rental. For purposes described herein 'long-term' means six (6) months or longer. However, limited associate membership shall not entitle the person(s) the right to vote, hold elective office, or to chair or serve on any committee of the Association.

Section 2.3 ASSIGNMENTS OF MEMBERSHIP. Neither class of membership described in Sections 2.1 or 2.2 inclusive shall be assignable.

Section 2.4 MEMBERSHIP STANDING. To be recognized as a regular member in good standing of the Association and thereby entitled to all the rights and privileges thereof, as defined in Article II, Section 2.5 of these bylaws, the member must:

2.4.1 Ownership. Own or have an equitable interest in a lot or lots situated within the Treasure Lake subdivision, Sandy Township, Clearfield



County, Pennsylvania (for purposes of this section the areas known as Cayman Landing, Silverwoods and Wolf Run are also included). Such ownership must be validated by a Deed of Trust or other legally recognized instrument.

2.4.2. Financial Obligations. Be current with the financial obligations to the Treasure Lake Property Owners Association in accordance with Section 2.4.1, as witnessed by the financial records of the Treasure Lake Property Owners Association, Inc. to include Association annual assessments as well as any and all outstanding fines, fees, or penalties imposed by the Association on the property owner(s) and members excluding amenity membership charges and fees incurred during the current assessment year.

2.4.3. Residency. Residency within the Treasure Lake subdivision is not required for determining the eligibility standing in the Treasure Lake Property Owners Association as a regular member.

Section 2.5 PRIVILEGES OF MEMBERSHIP. The privileges of regular membership shall include:

2.5.1. Right of Access. The right of access to the lot(s) owned by the respective members over and across the roads owned or maintained by the Association.

2.5.2. Use of Facilities. The use of such facilities as the Association may acquire or establish for the convenience of its members.

2.5.3. Use of Recreational Facilities. The use of such facilities as the Association may acquire or establish for recreational purposes.

2.5.4. Right to Vote. The right to petition and vote with respect to all matters that may be referred to the vote of the regular members by law or by these bylaws.

2.5.5. Meeting Attendance. The right to attend all open board meetings, committee meetings, hearings, and meetings of the membership.

Section 2.6 DISCIPLINARY MEASURES.

2.6.1. Right of Access. The right of access, as the operator of a motor vehicle, over and across roadways owned or maintained by the Association may only be revoked and/or suspended for causes attributed to failure of a member, guest, or invitee to Treasure Lake to make complete and full payment of fines imposed for motor vehicle violations or for repeated hazardous motor vehicle violations, as set forth in the Association's Security Policies and/or the Association's Administrative Policies.

2.6.2. Other Rights. The rights conferred by Article II, Sections 2.5.2, 2.5.3, 2.5.4 and 2.5.5, shall be automatically suspended if the member (1) is in default of any monetary obligation owed to the Association, (2) is otherwise in default of any other provisions of the Association's legal documents, such as the Declaration of Restrictions, these bylaws, and Association policies and has been afforded ten (10) days written notice of non-monetary default. The member's rights shall be restored after all defaults have been determined to be satisfactorily cured in accordance with policies established by the Board of Directors.

2.6.3. Individuals Subject to Discipline. If a member, their guests, tenants or invitees, or a member of their immediate family creates a nuisance upon any of the Association's properties, or by intentional actions or omissions, causes damage or expense to the Association in a determinable amount, or otherwise violates the Rules and Regulations of the Association, they shall be subjected to disciplinary actions as outlined in Association policies.

2.6.4. Rights and Remedies. Rights and remedies provided in Section 2.6 shall not be exclusive of any other rights and remedies provided for under Commonwealth or other law, which the Association may avail itself of to discipline the categories of individuals, set forth in 2.6.1 and 2.6.3

ARTICLE III GOVERNMENT

Section 3.1 BOARD OF DIRECTORS

3.1.1 Association Management. The general management of the affairs of the Association shall be vested in the board of directors, who shall be elected as provided in these bylaws.

3.1.2 Board Members. The board shall consist of nine (9) directors, including a president, a vice president, a secretary, and a treasurer.

3.1.3 General Manager. The board of directors may hire a general manager to conduct day-to-day management of the activities of the Association. The duties of this position shall be determined by the board of directors as set forth in Article XII and job description.

Section 3.2 DUTIES AND POWERS OF THE BOARD OF DIRECTORS

3.2.1 Association Management. The board shall have general charge and management of the affairs, funds, and property of the Association. They shall have full power and it shall be their duty to carry out the purpose of the Association according to its Articles of Incorporation, Declaration of Restrictions, Bylaws and the applicable laws of the State of Pennsylvania.

3.2.2 Rules and Policies. The board shall have the power to establish rules and policies for the conduct of the members, their guests and general invitees and the use of the Association property and to determine whether the conduct of any of these parties is detrimental to the welfare of the Association and to fix penalty for such misconduct as well as any violation of these bylaws, rules or policies.

3.2.3 Financial. The board shall have the power to:

3.2.3.1 Expenditures. Approve the expenditures of money, as deemed necessary, subject to 3.2.3.3.

3.2.3.2 Contracts. To contract for lease or purchase in the name of the Association, subject to 3.2.3.3.

3.2.3.3 Limitations. The board may not enter into any obligation or dispose of any asset that exceeds in value five percent (5%)

of that fiscal year's approved annual budget excluding capital items without obtaining the agreement of the membership either at the annual meeting or at a special meeting called in accordance with section 4.4.

3.2.4 Property. The board may dispose of or acquire and administer any property or rights from anyone for the benefit of the Association.

3.2.5 Operating Powers. The board shall have the power and authority to perform any and all acts to carry out and achieve its objectives, within the powers granted in these bylaws, but not limited to the foregoing. It shall have the duty, responsibility, power, and authority to:

3.2.5.1 Garbage and Refuse. Arrange for garbage and refuse collection by private haulers for members of the Association.

3.2.5.2 Safety. Provide standards of safety for the protection of the members of the Association and its employees.

3.2.5.3 Roads. Maintain, repair and keep open roads in the Treasure Lake Development owned by or under the control of the Association.

3.2.5.4 Properties and Amenities. Operate and maintain other properties and amenities owned or acquired by the Association for the benefit of the Association.

3.2.5.5 Other Services. Provide such other services as may be deemed necessary but not limited to those areas or items listed above.

3.2.6 Assessment Powers. The board shall have the power to impose an assessment or charge upon the members in such amounts as it shall deem necessary for the Association to properly perform its functions and for the services furnished by the Association. Any increase or decrease in the assessment or charges imposed under this clause that will result in a change of more than 10% over or under the prior year's equivalent charge shall require a two-thirds (2/3rds) vote of the elected directors. No such charge shall ever be made against, or be payable by Treasure Lake Property Owners Association Inc. or its successors and assigns, the Association itself or any corporation(s) that may be created to acquire title to, and operate, the water or sewer utilities servicing the area, or any lakes, dams, beaches, lake access tracts, marinas, golf courses, tennis courts, swimming pools, clubhouse grounds, campgrounds, or other like recreational facilities.

3.2.7 Employment Powers. The board may engage and employ such persons at such compensation, as it may deem necessary to carry out and achieve any of the objectives and purposes of the Association. However, no person serving as an elected or appointed director can receive and be compensated in any form, or benefit from the Treasure Lake Property Owners Association during their full term of office. No elected or appointed officer or director of the Association may be employed by the Association in any administrative or supervisory position for a period of one year after leaving office. Any elected or appointed director shall make known any financial interest in any company transacting business with the Treasure Lake Property Owners Association during their full term of office.

3.2.8 Disclosure Statement. Any person, including an employee, who receive or will receive compensation from the Treasure Lake Property Owner's Association, must, at the time of their hiring, disclose fully to the Association any financial and/or business interest in any company or business affiliation with any individual or group transacting business with the Treasure Lake Property Owners Association. Failure to make full disclosure shall result in immediate termination of such employment relationship notwithstanding the existence of any employment contract with the Association. This Section shall also apply to all current employees and a disclosure shall be executed within thirty (30) days of acceptance of these bylaws.

Section 3.3 CONFLICT OF INTEREST. When it is determined or disclosed that a director, officer or employee has a compensatory interest in a privately owned company, or more than one percent (1%) of the outstanding stock of a publicly held corporation with whom Association business is conducted a conflict of interest shall be deemed to exist. No contract, agreement or transaction between the Association and any of its directors, officers, employees, or any other entity in which one (1) or more of the aforesaid directors, officers, or employees are deemed to have an interest shall be entered into by the Association, unless:

3.3.1 Material Facts. The material facts as to the relationship or interest and as to the contract or transaction are disclosed or are known to the board of directors and/or the members entitled to vote thereon, if any, and the contract or transaction is specifically approved in good faith by a two-thirds (2/3rds) vote of the remaining elected directors and the contract or transaction is fair to the Association at the time it is authorized, approved, or ratified by the board of directors or Association members. Any director having a compensatory interest or relationship in the contract or transaction shall recuse them-self from voting.

3.3.2 Violation. Any director, officer, or employee of the Association shall be deemed to have vacated his or her office or position of employment if found to be involved in or a party to a conflict of interest, the circumstances of which he/she has failed or neglected to disclose to the Board of Directors and/or the Association prior to approval or ratification of such contracts or transactions by the board of Association members, when applicable.

3.3.3 Vacancy Due to Violation. The provisions of 3.3.2 concerning removal from office or employment by virtue of conflict of interest in the exercise of assigned duties and responsibilities is hereby incorporated by reference as a part of Article V, Section 5.7 of these bylaws. In such cases, after reasonable inquiry and investigation of the circumstances and facts pertaining to the alleged conflict, a two-thirds (2/3rds) vote of the remaining elected directors of the board of directors shall be sufficient to determine whether there is just cause for vacating the respective board office or position of employment.

3.3.4 Board Member's Pledge of Commitment. Each candidate for the board of directors shall accept and sign the Board of Director's Pledge of Commitment and submit the signed pledge along with their other candidacy documents to the Nominating and Election committee prior to their name being placed on the ballot.

ARTICLE IV MEETINGS and WORK SESSIONS

Section 4.1 GENERAL REQUIREMENTS: Meetings and/or work sessions (hereinafter referred to as regular, special, informational, or general membership) shall be conducted as set forth in Sections 5703 and 5704, Title 15 Pennsylvania Consolidated Statutes which also requires that

notice be given to members and/or the body 5 days prior to the day named for the meeting. All business voted on shall be affected by 'majority vote' except for specific provisions within these Bylaws and real estate transactions which are provided for in Commonwealth statute as requiring a '2/3rds vote'.

For purposes of a 'majority vote' the provisions outlined in Article 1.2.2(a) apply.

For purposes of a '2/3rds vote' the provisions outlined in Article 1.2.2(b) apply.

Section 4.2 ROBERTS RULES OF ORDER. The requirement for Robert's Rules of Order Newly Revised is deleted without substitution with regard to the conduct of the meetings.

Section 4.3 BOARD MEETINGS and WORK SESSIONS.

4.3.1 Regular Meetings. The board shall hold regular meetings for the purpose of conducting the business of the Association. Regular meetings of the board are to be held monthly, at times and locations designated by the board of directors. The board may schedule work sessions as necessary. All board meetings and work sessions may be attended by any Treasure Lake Property Owners Association member and it is also recognized that from time to time non-members may also have need to attend these meetings or work sessions. Those sessions dealing with personnel items, legal issues, potential real estate transactions or other items deemed to be of a confidential nature may be held in closed session at the discretion of the chairman and/or a majority request of the B.O.D.

4.3.1.1 Notice. Notice of all meetings and work sessions shall be posted together with an agenda for that meeting or work session five (5) days prior to such meeting or work session taking place.

4.3.1.2 Order of Business. The order of business shall be determined by the board of directors, and shall include, but not be limited to:

- a. Quorum count
- b. Approval of agenda
- c. Minutes of previous meeting
- d. Treasurers' report or financial report
- e. Standing and special committee reports
- f. Unfinished (old) business
- g. New business
- h. Adjournment

4.3.2 Special Board Meetings. The president or secretary may call a special board meeting of the board of directors on their own initiative whenever, in their judgment, it may be necessary; or otherwise by the secretary upon the request of any two members of the board. Five (5) days notice of a special meeting shall be given to all directors, and shall be deemed sufficient notice of such meeting. The five (5) day notice may be waived upon unanimous consent of all directors.

4.3.2.1 Notice. Notice of a special meeting shall be posted and shall include the purpose for which the meeting is being called.

4.3.2.2 Order of Business. The order of business shall be limited to the purpose for which the meeting has been called

Section 4.4 MEMBERSHIP MEETINGS

4.4.1 Annual Membership Meeting. There shall be an annual meeting of the membership in July of each year to be held within Treasure Lake. The exact date, time and location shall be set forth in a notice thirty (30) days before such meeting.

4.4.2 Special Membership Meeting. The president shall call a special membership meeting after first having secured the approval of the board of directors or upon receipt of a petition signed by at least ten per cent (10%) of the voting members in good standing. The meeting shall be called within forty-five (45) days of the submittal of the petition.

4.4.3 Informational Meetings. Informational meetings may be called at the discretion of the president to advise the membership of items of general interest, pending changes, current state of the Association and other related matters. Sections 4.4.4 and 4.4.5 do not apply to this section.

4.4.4 Notice of Meetings. Notice of membership meetings shall be posted thirty (30) days before such meeting. The notice shall contain the agenda for the meeting. The notice shall also be sent to all members by mail.

4.4.5 Order of Business: The order of business for general membership meetings shall be as stated in Section 4.3.1.2 and for special membership meetings Section 4.3.2.2.

Section 4.5 QUORUMS

4.5.1 Board Quorum. At meetings of the board of directors, a majority of the total numbers of directorships authorized by these bylaws shall constitute a quorum. There is no quorum requirement for work sessions.

4.5.2 Membership Quorum. At meetings of the membership six hundred (600) regular members in good standing, including proxies, shall constitute a quorum. There is no quorum requirement for informational meetings.

Section 4.6 VOTING PROCEDURES AT MEETINGS (a quorum being present)

4.6.1 Membership Meetings. A majority of those voting including proxies shall be necessary for a motion to pass and be adopted unless otherwise stated in these bylaws.

4.6.1.1 Proxies (Absentee Voting). Proxies shall be valid for determining a quorum and for those matters specified on the proxy forms as set forth in Section 4.7.1.

4.6.2 Board Meetings. A majority of board members present shall be necessary for a motion to pass and be adopted by vote unless otherwise stated in these bylaws as requiring a two-thirds (2/3rds) vote.

Section 4.7 ANNUAL OR SPECIAL MEMBERSHIP MEETING PROXIES

- 4.7.1 Proxies Format.** The Association shall prepare proxy forms that must contain the following: (a) Designate the secretary as the proxy holder; (b) Identify the meeting at which the proxy may be used; (c) set forth a description of each matter which the board, including member motions, if any, will be presented for action by the members; (d) present an opportunity for the members to specify approval or disapproval of each such matter; (e) provide a line for the member's signature, section and lot number or UDI number and the date.
- 4.7.2 Issuance of Proxies.** Proxies will be issued to all regular members of the Association as outlined in Section 2.1 in the manner defined in 5.1.1, 5.1.2 and 5.1.3.
- 4.7.3 Validity.** A proxy so filed shall be valid only for the designated meeting even when such meeting is suspended or adjourned.

ARTICLE V VOTING AND ELECTIONS

Section 5.1 VOTING ELIGIBILITY.

- 5.1.1 Residential Properties.** Units of real estate within the subdivision of Treasure Lake, and defined as residential lots by the Declaration of Restrictions, may have more than one owner which may result in more than one regular member of the Association. However, all voting within the Association by individual single residential lots shall be limited to one (1) vote for each parcel of unit of real estate giving rise to membership.
- 5.1.2 Time Shares.** The voting eligibility for other types of ownership and real estate usage within the Treasure Lake Subdivision (e.g. ownership interest at Wolf Run Manor and/or Silverwoods) will be determined based on the details of an agreement as amended and signed by the Recreation Land Corporation, Silverwoods Association, Inc., Wolf Run Manor Association, Inc., and the Treasure Lake Property Owners Association, Inc. dated December 30, 1988. *(A copy of the agreement is on file at the administrative offices of the Treasure Lake Property Owners Association, Inc.)*
- 5.1.2.1 Qualification of Voters.** To cast votes in elections and other business of the TLPOA the Wolf Run Manor Association, Silverwoods Association and other similar ownership interests must submit by May 10 of each year to the secretary of the TLPOA Board of Directors the following items:
- 5.1.2.1.1 Membership Lists.** Active membership lists of each of their members.
- 5.1.2.1.2 Board Members.** Names and addresses of the board of directors of each organization.
- 5.1.2.1.3 Bylaws/Restrictions.** Copy of Bylaws and Declaration of Restrictions that include who is authorized to cast votes for members of the respective owners associations.
- 5.1.2.1.4 Interval Ownerships.** The number of interval ownership interests sold on a per unit basis.
- 5.1.3 Undivided Interests.** The voting eligibility shall be determined in accordance with the details of an agreement signed by the Recreation Land Corporation and the Treasure Lake Property Owners Association, Inc. dated December 30, 1988 and as amended May 9, 1989. A copy of this agreement is on file at the administrative offices of the Treasure Lake Property Owners Association, Inc.
- 5.1.4 Voting.** Voting for board members and all other Association business shall be in person or by a proxy executed in writing by the member or their duly authorized representative.
- 5.1.5 Voting Parcels Standing:** For their votes to be counted, voting parcels or units must be in good standing relative to payment of all financial obligations owed to the Association, and be otherwise in good standing with respect to the Rules and Regulations of the Association, including Article II, Section 2.4.2 of these bylaws. Each voting parcel or lot shall stand on its own for determining voting eligibility.

Section 5.2 ELECTION OF BOARD DIRECTORS. Voting shall be by printed ballot, as prescribed by Article V, Section 5.1.4 of these bylaws. The directors of the Association shall be confirmed by the certified election results at the annual membership meeting of the Association held in July of each year based upon the policies and procedures approved by the board of directors.

Section 5.3 TERMS OF OFFICE. The board of directors shall be divided into classes such that a third of said directors shall normally be elected each year. All elected directors shall serve for terms of three (3) years. However, directors elected by the board of directors under Article V Section 5.7 of the by-laws, shall serve only until the next annual election. No director(s) shall be elected for more than two (2) consecutive terms, not including any additional period elected to fill a board vacancy per Article V. Notwithstanding any other provision outlined in these bylaws or Association policies, after a one (1) year absence, a former director will be eligible to be nominated and elected to the board.

Section 5.4 NOMINATING AND ELECTION COMMITTEE

- 5.4.1 Nominating and Election Committee.** On or before February 1 each year, the President of the board of directors shall nominate the chairman and members of the Nominating and Election Committee who shall be affirmed by majority vote of the board of directors. Members of the committee must be members in good standing of the Association. It shall be the responsibility of the committee to verify that the prospective candidates have met the requirements as set forth in the Association's bylaws and policies. The qualified candidates shall have their names placed on the ballot for election to the board of directors of the Association. Nominations shall not be accepted from the floor. The committee is responsible for organizing the election according to the policies and procedures established by the board.

Section 5.5 ELIGIBILITY OF NOMINEES. To be eligible to be a nominee for the board of directors all candidates must agree to and fulfill the following conditions:

- 5.5.1 Member Standing.** Be a regular member of the Association in good standing and have met all financial obligations to the Association as outlined in Section 2.4.2.

5.5.2 Nominating Application. Submit the completed application with the endorsement section signed by a minimum of seven (7) regular members in good standing of the Association on or before the required due date.

5.5.3 Covenants. Agree to uphold and enforce the conditions, covenants, and restrictions as outlined in the Declaration of Restrictions and the Bylaws of the Association.

5.5.4 Board Member's Manual. Each candidate for the board of directors shall accept and sign the Board of Director's Pledge of Commitment and submit the signed pledge along with their other candidacy documents to the Nominating and Election committee prior to their name being placed on the ballot.

5.5.5 Felony or Unsound Mind. Conviction of a felony or being found of unsound mind shall disqualify a regular member from becoming a candidate.

5.5.6 Same Household/Ownership Conflict. A regular member shall be disqualified from nomination if they are residing in the same household as any other person whose name appears on the deed is serving, or would be serving, on the board of directors at the same time. In the event two individuals covered by these provisions seek candidacy, one must withdraw, or the committee shall disqualify both candidates.

Section 5.6 REMOVAL FROM OFFICE. After election to the board of directors of the Association, the board shall remove a director for any of the following reasons:

5.6.1 Non-Acceptance of Office. If, within thirty (30) days after notice of their election, the newly elected board member does not accept such office either in writing or by attending a meeting of the board of directors, the newly elected board member shall be removed from the board.

5.6.2 Absenteeism. A board member absent from twenty-five percent (25%) of the regularly scheduled board meetings (3 meetings) within the twelve (12) month period beginning with the July board meeting, will have forfeited their right to serve on the board of directors and shall be mandatorily removed without vote. A successor shall be selected to fill this vacancy and serve until the next annual election according to procedures established in Section 5.7 of this Article.

5.6.3 Unsound Mind. Declaration of unsound mind by a court order.

5.6.4 Felony Conviction. Conviction of any felony.

5.6.5 Fraud, Dishonesty, or Abuse. Any member in good standing or director of the Association may petition the Court to remove from office any director in case of fraudulent or dishonest acts, or gross abuse of authority or discretion with reference to the Association, or for any other proper cause and may thereafter bar from any office any director so removed for a period prescribed by the Court. The Association shall be made party to such action.

5.6.6 Failure to Meet Financial Obligations. A board member and/or officer, following election or during their term of office, that fails to meet their financial obligations to the Association, as required by Article II, Section 2.4.2 Financial Obligations of these Bylaws, shall be removed from office. However, to afford the individual time for correcting the defect the board secretary shall immediately upon discovery notify the member in writing that an arrearage has been identified. The notification shall be by certified mail. The board member shall then have thirty (30) days from the receipt of notification to settle their obligations to the Association. Following expiration of the thirty (30) day period, the removal of the board member shall automatically become final if the obligations to the Association have not been satisfied.

Section 5.7 VACANCIES IN OFFICE. Vacancies occurring on the board of directors resulting from board removal, resignation, death, or other reasons must be filled by the remaining board members by first offering the vacated directorship to the unsuccessful candidates from the last election, beginning with the candidate who received the next highest number of votes. In the event that every unsuccessful candidate refuses the seat, the board must elect, by majority vote, an Association member who is in good standing. The person(s) so elected by the board shall serve until the next annual election, and must agree to the requirements as stated in Sections 5.5.1, 5.5.3, 5.5.4, and 5.5.5 of this Article.

5.7.1 Replacement. The replacement of a board vacancy, using the procedures outlined above in Section 5.7 of these bylaws, shall be accomplished within sixty (60) days following the effective date of the occurrence of that vacancy. In the event the vacancy occurs after April 30 it shall not be filled by the board but shall remain vacant until the new board members are confirmed at the July annual membership meeting.

ARTICLE VI OFFICERS

Section 6.1 ELECTION OF OFFICERS. The board of directors shall elect by majority vote one of their number president, one of their number vice-president, one of their number secretary, and one of their number treasurer. However, the office of secretary and treasurer may be combined if the board so designates by majority vote. An organizational meeting to elect officers shall be held within thirty (30) days following the annual membership meeting of the Association.

6.1.1 Terms of Officers. Officers shall be elected by majority vote for one (1) year terms and shall otherwise continue to serve as officers until their successors have been elected by the board of directors unless otherwise removed as a result of motion and a two-thirds (2/3rds) vote of the elected board members.

6.1.2 Officer Vacancies. Vacancies occurring among the officers of the board of directors shall be filled by the nomination of a board member from the board of directors. A majority vote of the board will be required to confirm election.

5.1.3 Records. All official records including but not limited to correspondence, reports, and plans are the property of the Association and shall

be turned over immediately to the incoming officer.

Section 6.2 DUTIES OF OFFICERS.

6.2.1 President: The president shall preside at all meetings of the board and the membership, and shall be responsible to ensure that the business of the Association is carried out in accordance with the meeting agenda, Roberts Rules of Order (Newly Revised Edition), the Declaration of Restrictions, these Bylaws, Association policies and the applicable laws of the Commonwealth of Pennsylvania.

6.2.1.1 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

6.2.2 Vice-President: The vice-president shall, in the absence or disability of the president perform all duties of the president and when so acting shall have all the powers of and be subject to the same requirements as the president.

6.2.2.1 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

6.2.3 Secretary. The secretary shall:

6.2.3.1 Minutes/Membership Lists. Keep, or cause to be kept, at the Association's administrative office or other such place as the board may order, a book of minutes of all meetings of directors and members, with the time and place of holding same, whether regular or special, and if special, how authorized, notice thereof given, the names of those members present at directors' meetings, the number of members present at member's meetings, and the proceedings thereof, and records the number of member votes cast by written ballot, or by proxy, when applicable.

6.2.3.2 Corporate Records. Keep, or cause to be kept, appropriate current records including Association policies, changes, and an accurate listing of all members of the Association that includes their addresses.

6.2.3.3 Correspondence. Keep, or cause to be kept a record of correspondence received via letter from property owners and others, and ensure that a timely reply to the correspondent is provided and that copies of the correspondence received and the correspondence sent is provided to the board of directors so that it is available to them in time for the next work session or board meeting whichever comes first.

6.2.3.4 Meeting Agenda and Notification. Give, or cause to be given, notice of all meetings of the board as required by the bylaws and develop meeting agendas with the agreement of the president.

6.2.3.5 Voter Confirmation. Annually, the secretary shall attest to the Nominating and Elections committee that provisions set forth in Article 5.1.2 and its subsections have been complied with by the identified parties and all other annual voting records of the Treasure Lake Property Owners Association are confirmed.

6.2.3.6 Proxy Votes. Cast the proxy votes at membership meetings that are received from members in good standing.

6.2.3.7 Corporate Seal. Keep the seal of the Association in safe custody

6.2.3.8 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors..

6.2.4 Treasurer. The treasurer shall:

6.2.4.1 Records. Keep and maintain, or cause to be kept and maintained, the books and records of the Association that shall provide adequate and correct accounts of the properties and business transactions of the Association, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, retained earnings and other items required by generally accepted accounting principles, federal, state and local laws and as further prescribed by the board and these bylaws.

6.2.4.2 Audit. An audit shall be performed each year under the direction of the treasurer and the results thereof reported to the Association membership not later than the August board of directors meeting in that same year. Such audit, books and records, excluding individual employee files unless otherwise required by law, shall be open at all reasonable times to inspection and review by any director or member in good standing.

6.2.4.3. Finance Committee Membership. The treasurer shall be a member of the Finance committee and shall not serve as committee chairperson.

6.2.4.4 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

Section 6.3 SIGNATURE AUTHORITY. All checks, leases, contracts and other instruments including authorization for third party, electronic single or bulk transfers, or direct deposit disbursements shall be signed in accordance with the following protocol:

1.) Principle and Discretionary Signators. The officers of the association and general manager shall be principal signators. The board of directors may, at its discretion, appoint other directors to act in the absence of the principal signators.

2.) All persons signing must have completed the necessary financial institute signature cards.

3.) All payments to members or employees of the association require two signatures. No person signing an instrument shall benefit from that disbursement.

4.) Payments to non-members and suppliers:
a.) Under \$500.00 - one signature required
b.) Over \$500.00 - two signatures required

5.) Inter-association account transfers to be signed by the general manager or treasurer.

Section 7.1 DEFINITIONS:

7.1.1 Operating Expenses. As set forth herein, operating expenses shall mean any recurring expenses of the Association other than the

expenses described in Subsections 7.1.2 and 7.1.3 of this section.

7.1.2 Capital Expenses. As set forth herein, capital expenses shall mean all items of expenditure for the purchase or improvement of real estate, construction, re-construction, or improvement of Association buildings and structures, and the purchase of machinery and equipment.

7.1.3 Capital Project. As set forth herein, capital project shall mean a proposal to purchase or construct a facility of the Association involving expenditures totaling more than twenty-five thousand (\$25,000) in the aggregate.

Section 7.2 BUDGETS AND BUDGET PREPARATION:

7.2.1 Expenditures. All expenditures of the Association shall be provided for in the budgets described in this section. The budgets shall consist of an operating budget and a capital budget. The board of directors shall have the duty to approve and adopt by majority vote (subject to Section 3.2.6) said budgets for each fiscal year. Further, as an adjunct to the budget process, the board of directors shall fix the amount of the annual assessment.

7.2.2 Operating Budget. Each operating cost line shall be classified within a 'cost center' and included as part of the annual operating budget in a manner approved by the board of directors consistent with generally accepted accounting principles.

7.2.2.1 Exceeding Operating Budget. Upon adoption of the operating budget by the board of directors, no cost center shall be exceeded by three percent (3%). Should this occur, the treasurer and/or manager shall report any such excesses to the board of directors for approval or adjustment. The board shall act by majority vote. Approved excesses may be transferred from another cost center.

7.2.2.2 Unexpended Funds. All unexpended funds remaining in the operating budget for any one fiscal year, at the conclusion of said year, shall be carried forward in the general fund, may be used to reduce debt, or placed in one of the reserve accounts, after being reviewed by the Finance committee, which shall make a recommendation to the board of directors for subsequent approval by the members of the association based on a majority vote and applicable Internal Revenue Service Code 70-064 or its successors.

7.2.3 Capital Budget. Each item of capital expense shall be classified as depreciable or non-depreciable and depreciated or expensed in a manner approved by majority vote of the board of directors and consistent with generally accepted accounting principles.

7.2.3.1 Exceeding Capital Budget. Any expenditure over five thousand dollars (\$5000) must first be subject to the bidding process as prescribed by the board of directors in the finance and/or administrative policies/guidelines. Once a capital budget has been approved by the board of directors, no budget line item within said budget may be exceeded at any time, unless otherwise approved by a majority vote of the board of directors.

7.2.3.2 Unexpended Funds. Unexpended funds budgeted for capital expenses, or otherwise authorized for a capital project which has been completed, shall be applied either to the reduction of debt or to a capital reserve account, after review by the Finance committee who shall make its recommendations to the board of directors for approval by majority vote.

7.2.4 Presentation, Hearings, Approvals, and Publication. The budget formulation and approval timeline shall require that the schedule of fees and charges, the operating budget and the capital budget are affirmed by the board of directors at least 10 days before the last day of March preceding the fiscal year for which they are prepared. To meet this timeline the board of directors shall hold at least two (2) work session hearings at least seven (7) days apart and prior to the Board taking Final action on the proposed schedule of fees and charges, the operating budget, and the capital budget.

1. The notice of these work session hearings shall be posted seven (7) days prior to the presentation and shall include a summary of the proposed schedule of fees and charges, the operating budget, and the capital budget. The notice shall also include the anticipated assessments to be levied upon the membership if said budgets are approved. Members in good standing in attendance at these two (2) work session hearings will be afforded the opportunity to comment on the proposed schedule of fees and charges, the operating budget, and the capital budget.
2. The schedule of fees and charges, the operating budget and the capital budget so prepared, shall be voted on individually by the board at a special meeting called for this purpose not more than 3 days after the second work session hearing.
3. In the event that the proposed schedule of fees and charges, the operating budget and/or the capital budget that have been the subject of 2 work session hearings are not approved by the board through a properly conducted vote, the board shall cause to be developed an alternative schedule of fees and charges, operating budget or capital budget that shall be made available in the same manner as the originally proposed budgets except that there shall be 1 (one) additional work session hearing where members in good standing in attendance will be afforded the opportunity to comment on the proposed schedule of fees and charges, the operating budget, and the capital budget. Not more than 3 days after this session at a special meeting called for this purpose the board shall vote to approve the proposed alternative(s).
4. Once approved, the general manager or treasurer shall publish the schedule of fees and charges, an outline of the operating budget and the capital budget in reasonable detail making them available in the official publication, the web site, and bulletin boards throughout the Treasure Lake community. They shall also be made available with the detailed capital and operating budgets in the Property Owners Association administrative office.

Section 7.3 FUND ACCOUNTS. A fund account may be established for a specific purpose. Once the fund has been established the funds cannot be used for any purpose other than the original intent unless approved by a majority vote of the board of directors.

Section 7.4 UNRESTRICTED CAPITAL RESERVE ACCOUNT. The unrestricted capital reserve account shall be used solely for budgeted capital expenditures. The board of directors shall have the right to borrow therefrom with an annual interest rate of five percent (5%) payable (principal and interest) by May 31 following the fiscal year in which the funds were borrowed.

ARTICLE VIII COMPENSATION, LIABILITY AND INDEMNIFICATION

Section 8.1 COMPENSATION. Officers, directors, and Association members serving on any standing or special committees shall not receive any salary, gratuity, or compensation in any other form for services rendered to the Association. However, the board of directors is hereby authorized and empowered to reimburse reasonable out-of-pocket expenses incurred on behalf of the Association upon written request and justification for such reimbursement as may be prescribed by the board. Prior approval by the President for all expenses in excess of \$250.00 is required.

Section 8.2 LIMITS ON PERSONAL LIABILITY OF DIRECTORS. A director of the Association shall not be personally liable for monetary damages as such for any action taken, or any failure to take action, unless: (a) The director has a breach or failure to perform the duties of his or her office under Section 8363 of the Director's Liability Act, Title 42 of the Pennsylvania Consolidated Statutes (relating to standard of care and justifiable reliance); (b) The breach or failure to perform constitutes self-dealing, willful misconduct or recklessness; and, (c) provided, however, that this section shall not apply to the responsibility or liability of a director pursuant to any criminal statute or liability of a director for payment of taxes under state or federal laws

Section 8.3 MANDATORY INDEMNIFICATION. The Association shall, to the fullest extent now or hereafter permitted by law, including, but not limited to, the Director's Liability Act, Title 42 of the Pennsylvania Consolidated Statutes, indemnify and make advances on behalf of any person who was or is a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal administrative or investigative (including any action by or in the right of the Association) by reason of the fact he or she is or was a director or officer of the Association, or is or was serving at the request of the Association as a director, officer, committee member, employee or agent of another association, corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding. A claim for indemnification may be denied when at a special meeting called for this purpose two-thirds (2/3rds) of the board of directors vote that the claimant has not acted in the best interest of the Association

ARTICLE IX DUES, FEES AND ASSESSMENTS

Section 9.1 DUES, FEES, AND ASSESSMENTS. The board of directors shall fix membership dues, fees, and assessments. The method and basis for determining the amount of annual dues by type of lot shall not be changed unless approved by favorable vote as stated in the Declaration of Restrictions and these bylaws.

Section 9.2 ANNUAL ASSESSMENT. The annual assessment of members for operating and capital budgets will be determined by the board of directors in accordance with Sections 3.2.6 and 7.2.1 of these bylaws.

9.2.1 Due Date. The annual assessments shall be payable by all members on or before May 1 of each year and shall be paid to the Treasure Lake Property Owners Association, Inc. The board may establish an optional payment program from time to time. Notification of any optional payment programs shall be included in the mailing of the assessment billings but no later than April 15 of each year. Failure of any property owner or UDI owner to make their installment payments on time shall place that person in default of their agreement with the Association. In that event, the remaining balance shall be immediately due and payable. Upon determination of default, the property or UDI owner shall be notified, by certified mail, that should the balance remain unpaid the property or UDI owners privileges of regular membership including but not limited to voting and the use of Association facilities shall be suspended until all due balances to the Association have been paid in full.

9.2.2 Billing. The Association shall ensure the preparation and mailing notices to the entire membership no later than April 15 of each year. Said notices shall indicate the section and lot number or UDI number, member's name, permanent address and amount due for the fiscal year and all unpaid prior balances. All such amounts shall become due and payable on the first day of May of each year.

Section 9.3 SPECIAL ASSESSMENTS. Special assessments to meet unbudgeted operating or capital expenses may be required, will be computed as an equal percentage of the annual assessment for each membership classification, and will be subject to the following:

9.3.1 Public Hearings. The board of directors shall hold a minimum of two (2) public hearings at least seven (7) days apart, with the last occurring at least seven (7) days prior to the board taking final action. The notice for these hearings shall be posted seven (7) days in advance of such meeting and shall include a summary of the proposed budget plus the anticipated special assessment to be levied upon the membership if said budget is approved.

9.3.2 Approval. A special assessment shall only be approved by a minimum of two-thirds (2/3rds) of the elected directors voting in the affirmative.

ARTICLE X AMENDMENTS

Section 10.1 AMENDMENTS. The Bylaws of the Association may be amended in the manner prescribed below.

10.1.1 Resolution for Bylaw Amendment. A resolution for amendment of these bylaws may be proposed by petition signed by at least 10% of the voting members in good standing, or by the recommendation of at least two-thirds (2/3rds) of the elected members of the board of directors at a special meeting of said board to be called for that purpose only; provided, however, that the purpose of this meeting has been clearly stated in the call for the meeting. However, no amendment

shall be considered for adoption by the membership of the Association if, after consultation and review by the board the proposed amendment is determined to be inconsistent with the Declaration of Restrictions, these bylaws or with Pennsylvania law. Such allegation of inconsistency must be documented in writing.

Section 10.2 ADOPTION OF AMENDMENTS. Amendments to these bylaws may be adopted only upon the affirmative vote of two-thirds (2/3) of the votes cast by eligible voters, in person or by proxy, at any special, or annual membership meeting, a quorum being present; provided, written notice of such meeting for the purpose of amending the Bylaws, along with a copy of the proposed amendment is mailed to each member not less than thirty (30) days prior to the date set for such meeting. Such notice shall include the reason to vote for or vote against the proposed amendment.

Section 10.3 SECONDARY AMENDMENTS. At any annual or special meeting of the Association membership called to consider amendment of these bylaws, proper written notice having been given, no second degree amendments to the proposed original amendatory language may be recognized from the floor.

Section 10.4 MOTIONS TO MODIFY. Any and all additional proposals for further amendment must be submitted to the board within ten (10) days of the time and date set for the annual or special meeting. Thereafter, the Board of Directors of the Treasure Lake Property Owners Association will make a determination by majority vote as to whether, and in what form, such secondary amendatory language will be submitted to the membership.

Section 10.5 EFFECTIVE DATE OF AMENDMENTS. All such actions shall become effective on the first day of the month following the month in which such approval took place.

ARTICLE XI COMMITTEES

Section 11.1 ESTABLISHMENT OF COMMITTEES. The board of directors may propose to establish such committees, as it determines to be essential to the fulfillment of Association programs and objectives following established provisions for this purpose. The following and any future standing committees shall consist of not less than three (3) members who shall serve at the pleasure of the board. The membership of all standing committees shall be approved by a majority vote of the board of directors. At no time, the Appeals Panel excepted, shall board members comprise the majority membership of any committee. The president shall not chair, or be a voting member of any committee.

11.1.1 Chairperson. The chairperson of all standing and special committees shall be nominated by the president and confirmed by a majority vote of the board. Only members in good standing, as defined in Article II Section 2.4 shall be eligible.

11.1.2 Committee Members. The chairperson of each committee shall propose the membership and submit the proposed membership names for approval by the board. Only members in good standing, as defined in Article II Section 2.4 shall be eligible. An employee of the Association may not be assigned to or be a member of a committee in other than an advisory or support non-voting role. Committees, at their discretion, may have advisory members that shall not vote. The president shall be ex-officio, non-voting member of all committees and whose presence shall not count towards a quorum being present. Except those sessions dealing with personnel items, legal issues, potential real estate transactions or other items deemed to be of a confidential nature committee meetings may be attended by any Treasure Lake Property Owners Association member and it is also recognized that from time to time non-members may also have need to attend these committee meetings.

Section 11.2 STANDING COMMITTEES. The following standing committees are established by these bylaws. The committees shall have the authority to administer the activities of the Association within the general scope of their assigned responsibilities, as hereinafter defined. This includes, making recommendations to the board of directors with regard to changes and additions to the Association's administrative policies, codes, and procedures; to analyze and conduct studies as necessary; and to propose operating and capital expense items for inclusion in the annual budget of the Association. Such committees shall not, by their conduct, operate in a manner to relieve the Board of any authority or responsibility granted specifically to it by the Declaration of Restrictions, these bylaws, or by civil law.

11.2.1 Property Control. This committee derives its powers from the Declaration of Restrictions Sections 5 through 8 and is responsible for their compliance.

11.2.1.1 Plans and Specifications. It shall be the responsibility of this committee to review all plans and specifications for any structures or improvements thereto on any lot or lots, and, upon approval thereof, to issue an appropriate permit to the property owner(s) in good standing for the construction, improvement, installation, remodeling, reconstruction, additions or alterations thereto. Decisions of the committee in these matters, as stated in Article 5.E of the Declaration of Restrictions, are final and not subject to appeal or review.

11.2.1.2 Enforcement. The committee shall also monitor the prohibitions and requirements pertaining to the use and activities conducted on any lot or lots within the Treasure Lake subdivision, as defined in Article 8.A.a through t. of the Declaration of Restrictions, and to take such steps as necessary to bring to the attention of the owner of the property the nature of the violation and to issue citations as appropriate after the normally prescribed notification and remediation effort has failed.

11.2.2 Finance Committee. The Finance Committee shall conduct the preliminary review and make recommendations to the Board concerning the annual operating and capital budgets of the Association that are developed by the General Manager. It shall also monitor monthly fiscal performance, prepare, and recommend to the Board of Directors budget changes or amendments and supplemental budget requirements as may be deemed in the best interest of the Association. It shall also monitor Association budget and accounting procedures and recommend such changes as necessary to ensure compliance with standard practices consistent with the Association's financial position and anticipated operating requirements. The Committee may also recommend to the Board the use of funds for investment or savings and shall monitor preparation of the annual report of budget and financial status and acting in consort with the Treasurer, verify that recommendations resulting from the annual financial audit of the Association are being accomplished. The Treasurer shall be the board liaison to the Committee.

11.2.3 Judicial Committee. The Judicial Committee shall not have members who are also members of either the Property Control or Security Committees or who are Association employees assigned to the Property Control or Security Departments. The Judicial Committee reviews the facts of cases referred to it by the Property Control Committee and/or Security Department when a defendant has

requested a hearing using established criteria for this purpose involving a citation issued by a property control officer or security officer. This may involve infractions and/or violations of the provisions of the Declaration of Restrictions, as well as the enforcement of Treasure Lake Property Control and/or Security and Safety Policies established to protect residents of the community, their property, and their welfare. The committee, under this provision, is granted the authority to act on behalf of the board to impose established penalties and costs resulting from convictions of such violations after a duly constituted hearing based on the defendants request and a plea of "not guilty". The cited individual or property owner(s) pleading not guilty may request a Judicial Committee hearing for purposes of adjudicating their claim.

11.2.3.1 Judicial Procedure. Each person or persons whose citation(s) has been referred for hearing to the Judicial Committee by either Property Control or Security shall have the right to appeal the decision rendered by the Judicial Committee and shall be so advised at the time of the hearing.

11.2.3.2 Appeals Process. The appeal process shall be administered by a three (3) member panel made up of three (3) board members none of whom shall be members of the Property Control, Security, or Judicial Committees. The president shall nominate the members of the 'appeals panel' and they shall be confirmed by a majority vote of the board of directors. Procedures and justification for initiating an appeal is outlined in the Judicial Appeal Process contained in the Administrative Policies. All decisions of the panel are final and shall not be subject to further appeal.

11.2.4 Safety and Security. The Safety and Security Committee shall monitor and make recommendations to ensure that policies and procedures address the maintenance and enforcement of safety and security activities throughout the community.

11.2.5 Recreation. The Recreation Committee shall plan and make recommendations to the board for the implementation and operation of recreational programs for the Treasure Lake community.

11.2.6 Cayman Landing. The Cayman Landing Committee shall review and monitor the operation of the campground and make recommendations to the board to enhance its use, maintenance, and overall recreational and campground atmosphere.

11.2.7 House. The House Committee shall monitor the physical appearance and general operations of the food and beverage establishments within Treasure Lake and make recommendations for improvement and enhancements.

11.2.8 Golf. The Golf Committee shall review the operation of the Silver and Gold golf courses and make recommendations to the board for the enhancement, use, and maintenance of these courses and their peripheral facilities.

11.2.9 Infrastructure and Maintenance Committee. The Infrastructure and Maintenance Committee is responsible for advising the board of directors on matters relating to the preservation and construction of structures, roads, and amenities.

11.2.10 Nominating and Elections Committee. The Nominating and Elections Committee is responsible to ensure that the Association's bylaws and policies are complied with in regard to verifying that prospective candidates for election to the board of directors meet established requirements and that voting procedures for the casting of ballots by association members for the election of candidates to the board of directors are adhered to.

11.2.11 Appeals Panel. The Appeals Panel is responsible for administering the appeals process with regard to cases appealed to it by a defendant based on a decision reached by the Judicial committee. Decisions of the panel are final and not subject to further appeal.

Section 11.3 SPECIAL COMMITTEES. Special committees may be established by majority vote of the board of directors from time to time, as it deems necessary. The duties, authority, and membership of such committees shall accordingly be defined by the board, in keeping with Article II, Section 2.4. However, in no event shall such committees be delegated authority to participate in the management of the Association. Upon fulfillment of its assigned objectives each committee shall cease to exist unless it is dissolved earlier by a majority vote of the board.

ARTICLE XII GENERAL MANAGER

Section 12.1 GENERAL MANAGER. The board of directors may hire a general manager and delegate to that employee authority to perform day-to-day management of the Association as set forth in Section 3.1.3. The general manager (hereinafter referred to as "manager") may hire those employees within established budgetary limits to perform those functions necessary to operate the Association on behalf of its members.

12.1.1 Chief Operating and Administrative Officer. The manager shall function as the chief operating and administrative officer of the Association and shall be responsible to the board of directors for the execution of the policies and decisions of the board of directors. The manager shall not be a member of the board of directors.

Section 12.2 EMPLOYMENT AGREEMENT. The manager's employment contract shall specify the term, salary, severance and other pertinent considerations and shall be reviewed by the Association's legal counsel and all board members shall be given a copy of his written response prior to the execution of the agreement.

12.2.1 Search Committee. When a vacancy occurs the president with the approval of a majority vote of the board shall appoint a Search committee to identify candidates for the open general manager's position. The board shall provide the Search committee with the necessary information to conduct the search including a job description, salary range, benefit package, and other pertinent information required to identify suitable candidates. The board shall also establish an interview process for the initial contact by the Search committee and any subsequent interviews by the board.

Section 12.3 ILLNESS OR ABSENCE. The manager, with the president's approval, may designate a qualified administrative employee of the Association to perform the manager's duties during a temporary absence or disability. In the event of failure to make such designation, or if the absence or disability continues more than thirty (30) days, the president may appoint an employee of the Association to perform the duties of the manager during such absence or disability until the manager's return or the disability ceases.

Section 12.4 SPECIFIC DUTIES. The manager shall:

- 12.4.1 Administration.** Ensure consistency in the oversight and application of rules, regulations, and policies promulgated by the board of directors and outlined in these bylaws and the Declaration of Restrictions.
- 12.4.2 Association Employees.** Appoint and/or remove subordinate employees under procedures established by the board.
- 12.4.3 Contracts.** Negotiate contracts and agreements for the delivery of supplies or services for the community, subject to the approval of the board, and make recommendations concerning the nature and location of community improvements and ensure the delivery and/or operation of community improvements as set forth by the board.
- 12.4.4 Enforcement.** Ensure that all policies, terms, and conditions imposed in favor of the Association or its inhabitants in any statute, public utility franchise, or other contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the board.
- 12.4.5 Board Meetings.** Assist the board secretary in the preparation of meeting agendas for and attend all meetings of the board, with the right to take part in the discussions, but without the right to vote.
- 12.4.6 Policy Formulation.** Make such recommendations to the board concerning policy formulation as deemed necessary and keep the board and the Association membership informed as to the conduct of Association affairs.
- 12.4.7 Budgets.** Prepare and submit the annual operating and capital budgets to the board, with explanatory comments and administer the board approved budget.
- 12.4.8 Other Duties.** Perform such other duties as may be required of the manager by resolution of the board.

APPENDIX 'A'
GLOSSARY OF TERMS

- Affiliated Organization.** An organization whose membership is comprised of Treasure Lake property owners whose purpose, structure, and requirements for membership have been determined by the board to be consistent with the well-being and best interests of the Treasure Lake community.
- Amenities:** Properties owned, leased, or otherwise acquired by the Treasure Lake Property Owner's Association for recreational and other purposes
- Annual Assessment.** A charge or charges imposed annually upon all Treasure Lake property owners by the Association.
- Asset:** Anything on the Association's books considered to have a positive monetary value
- Association Policies.** A set of rules, in some cases ordinances, established by the board under Section 3.2.2 of these bylaws for the conduct of Association members and guests to Treasure Lake
- Common Property.** Real property owned by the Association and which lands are maintained by the Association for the benefit of Association members
- Day.** Unless stated otherwise, reference to days means calendar days
- Deed of Trust.** A legal document recognized by the County of Clearfield as well as the State of Pennsylvania as an instrument evidencing the conveyance of ownership of real property and attendant property rights from one individual to another.
- Default.** The failure of a property owner to meet monetary obligations imposed by the Association, such as annual assessments, fines, and other monetary penalties, as well as failure to adhere to Association legal documents, such as the Declaration of Restrictions, Bylaws, and Association policies.
- Disclosure.** The full revelation to the Association of any financial and/or business interest in any companies, businesses, or parties, which are known to be transacting business with the Treasure Lake Property Owners Association.
- Elected Board Member.** Means the nine (9) directors specified in these bylaws as constituting the membership of the board of directors whether elected by the general membership or selected to fill a directorship as the result of a board vacancy.
- Executive Meetings.** Meetings from which the public, i.e., general membership, is excluded although the Association may invite or admit those persons necessary to carry out the purposes for which the meetings are called.
- Majority vote.** A roll call vote in the affirmative of a majority of the directors present when there is a quorum for business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last. A roll call is not required for purposes of voting to adjourn a meeting or work session.
- Term of Office.** That period of time for which a director is elected or appointed to serve.
- Two-thirds (2/3rd) vote.** A roll call vote in the affirmative of the elected directors when there are not less than 6 directors present for that particular business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last.
- Approved by the General Membership July 2, 2005; Revisions Approved by the General Membership July 7, 2007

Treasure Lake Property Owners Association, Inc.

MANUAL: ADMINISTRATION

POLICY NO.: A-45

SUBJECT: Production of Board of Directors' Minutes

PAGE: 1 of 2

DATE ORIGINALLY ADOPTED BY B.O.D.: 11-07-05

DATE(S) REVISION(S) APPROVED BY B.O.D.: 1-2-06

This policy, adopted or revised on the date indicated, by the Treasure Lake Property Owners Association, Inc. Board of Directors stipulate that these principles apply to formal meetings, work sessions and membership meetings with regard to the preparation and dissemination of minutes. As such the minutes of the aforementioned proceedings will be generally prepared as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapter XV and Chapter XVI. Further, the Secretary of the Board of Directors, as set forth in Article 6.2.3 of the Association's Bylaws, shall assure adherence to the general provisions outlined.

- 1.) All meetings shall be tape recorded. The tapes shall be available to interested parties (e.g. property owners and other designees of the board) for reference purposes after the draft written minutes have been produced. To listen to the tape recording interested parties must provide reasonable notice and shall be accompanied by a board member or management representative in the POA Administrative office. The tapes shall be retained for 60 days after minute approval and then destroyed. The minutes when approved constitute the "record" of proceedings and take precedence over the tapes in case of conflict. Any residual earlier tapes to be erased as well.
- 2.) The recording secretary shall be present at the meeting(s) and shall produce the minutes using notes taken and the tapes.
- 3.) Draft board of directors' meeting minutes shall be distributed to the board of directors 10 days after the meeting. Membership meeting minutes shall be mailed to the board of directors' within 30 days. Note: Minutes are not an official record until approved. Corrections to the minutes should be made by individuals who are misquoted, etc. in advance of the approval meeting date by contacting the board of directors' secretary, preferably in writing. The note of request for change will be included in the B.O.D. packet.
- 4.) Minutes to be prepared for dissemination require, as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapters XV and XVI that all reports (e.g. president, treasurer, general manager, committees and working groups) be included in the text of the minutes or notation of attachment thereof indicated as part of the applicable subject heading. The report may be written and submitted for the record. When not written, the report may be summarized from the tape recording. With regard to the recording of minutes or reports from committees and/or working groups, the minutes of the board of directors' meetings shall include only recommendations and/or significant issues presented by the committee and/or working group.



- 5.) At the next regular meeting the minutes will be submitted for approval. Once approved they constitute the official record of the association. The TLPOA Board of Directors' Secretary signs and dates the minutes to indicate approval. Disputes must be registered within seven days of the receipt of the draft minutes.
- 6.) Minutes must contain as a minimum:
- a. Record of directors present (members for membership meetings).
 - b. All motions passed including voting results. Motions to be recorded verbatim and in bold type.
 - c. Copies of reports read or submitted shall be referenced.
 - d. Where property owners make comments, the name, section, lot number, and the question are to be recorded by topic in short form not verbatim. Replies when given shall be recorded similarly in short form

End of Policy

Authenticated By:

Signature of Secretary, TLPOA Board of Directors

Date


Signature of President, TLPOA Board of Directors

Date

VERIFICATION

I, MATTHEW S. BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly authorized to make this Verification, have read the foregoing Amended Answer and New Matter to Complaint - Equity. The statements therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.


Matthew S. Begley, General Manager
Treasure Lake Property Owners
Association, Inc.

Date: April 8, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

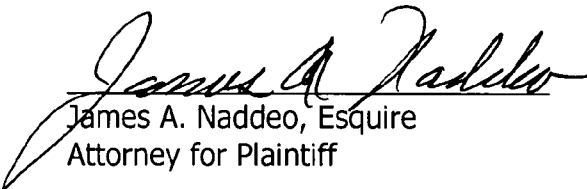
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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No. 2007-1728-CD

CONSENT TO AMENDMENT

COMES NOW, JAMES A. NADDEO, ESQUIRE, Attorney for Plaintiff, and
indicates consent by the adverse party to Defendant's Amendment to its Answer and
New Matter.


James A. Naddeo, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

On April 8, 2008, I delivered a copy of the Amended Answer and New Matter to Complaint-Equity in the above-captioned matter to James A. Naddeo, Esquire, NADDEO & LEWIS, 207 E. Market Street, Clearfield, PA 16830. Said forwarding was by hand delivery.

A handwritten signature in cursive script, appearing to read "Michael P. Yeager", written over a horizontal line.

Michael P. Yeager, Attorney for Defendant
Treasure Lake Property Owners Association,
Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

: No. 2007-1728-CD
:
: Type of Case: Equity
:
: Type of Pleading: Response to
: Motion for Judgment on the Pleadings
:
: File on behalf of Defendant
:
: Counsel of Record for this Party:
:
: Michael P. Yeager, Esq.
: Supreme Court No.: 15587
:
: P.O. Box 752
: 110 North Second Street
: Clearfield, PA 16830
:
: (814) 765-9611

Dated: March 19, 2008

5
FILED
03/25/08
MAR 19 2008
cc
Atty Yeager
William A. Shaw
Prothonotary/Clerk of Courts
(GR)

#11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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:
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:

No. 2007-1728-CD

RESPONSE TO MOTION FOR JUDGMENT ON THE PLEADINGS

1. Plaintiff's previous documented claims can speak for themselves.
2. Plaintiff's request for relief should speak for itself. Otherwise, some of the averments contained in Paragraph 2 of Plaintiffs Motion plead a conclusion of law to which no response is required. However, to the extent that a response is required, Defendant believes and avers that the tape recording requested by Plaintiff is not a "record of proceedings" of the Directors of the Defendant; and as such, is not a record that must be preserved and access be granted to members of the Defendant.
3. The averments contained in Paragraph 3 of Plaintiff's Motion plead a conclusion of law to which no response is required. However, to the extent that a response is required, Defendant believes and therefore avers that the tape recording requested by Plaintiff is not a "record of proceedings" of the Directors of the Defendant. Applicable provisions of Pennsylvania Nonprofit Corporation Code can otherwise speak for themselves.
4. Admitted.

5. Defendant also believes that the matter at hand will turn on the interpretation of the statute at issue; but that some of the averments contained in Paragraph 5 of Plaintiff's Motion also attempt to apply a request or requests that amount to a conclusion of law to which no response is required. To the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 2 and 3 hereof.

6. The averments contained in Paragraph 6 of Plaintiff's Motion either plead a conclusion of law or otherwise argue as to what the Plaintiff believes the law should be and therefore require no response. However, to the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 2 and 3 hereof.

7. The averments contained in Paragraph 7 of Plaintiff's Motion plead a conclusion of law or otherwise argue as to what the Plaintiff believes the law should be and therefore require no response. However, to the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 2 and 3 hereof.

8. Although it is admitted that the Defendant also believes that Pennsylvania Courts have failed to address the question as to whether a tape recording of a proceeding, made to assist in preparing written Minutes for later approval, constitutes a "record of those proceedings" available for inspection under the Pennsylvania Nonprofit Corporation Code (15 Pa. C.S. §5508(b)); Courts have addressed the issue with regard to a tape recording and a record of proceedings in the public sector. Please see Tapco, Inc. v. Township of Neville, 695 A.2d 460, 1997, Pa. Commw. 1997.

9. The averments contained in Paragraph 9 of Plaintiff's Motion are denied. On the contrary, the phrase "record of the proceedings" is defined in the Pennsylvania Nonprofit Corporation Code. Section 5508(a) thereof includes a section devoted to

"required records". In doing so, it goes on to indicate that "...every nonprofit corporation shall keep minutes of the proceedings of the members, directors and any other body..." (emphasis supplied).

10. The averments contained in Paragraph 10 of Plaintiff's Motion plead a conclusion of law or otherwise argue as to what the Plaintiff believes the law should be and therefore require no response. To the extent that a further response is required, Defendant incorporates its previous responses to Paragraphs 2, 3 and 9 hereof.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments contained in Paragraph 11 of Plaintiff's Motion (particularly as they relate to the "intent of the legislature") and strict proof thereof is demanded at argument or otherwise in this proceeding. To the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 2, 3, 9 and 10 hereof.

12. The averments contained in Paragraph 12 of Plaintiff's Motion plead a conclusion of law or otherwise argue as to what Plaintiff believes the law should be and therefore require no response. However, to the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 2, 3, 9 and 10 hereof.

13. The averments contained in Paragraph 13 of Plaintiff's Motion plead a conclusion of law and therefore require no response. However, to the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 2, 3 and 9 hereof. Additionally, Defendant is without sufficient knowledge to form a belief as to the truth or falsity of the averments contained in Paragraph 13 relative to "other

considerations" and strict proof thereof is demanded at argument or otherwise in this proceeding.

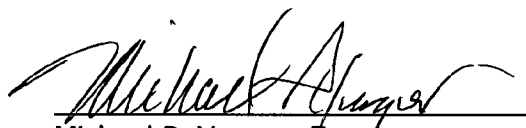
14. Although it is admitted that the pleadings in this matter are closed; and that time exists within which to dispose of this Motion without delaying trial, Defendant believes that a Stipulation as to "Facts" would greatly streamline further proceedings with regard to this matter. Accordingly, Defendant is forwarding a request for a Stipulation of Facts to the Plaintiff in that regard.

15. Assuming Plaintiff agrees with the proposed Stipulation of Facts, then the pleadings indicate there is no genuine issue of material fact; although there is a genuine issue as to an interpretation and construction of the law.

16. The averments contained in Paragraph 16 of Plaintiff's Motion plead a conclusion of law and therefore require no response. However, to the extent that a response is required, Defendant incorporates its previous responses as set forth herein.

WHEREFORE, the Defendant requests this Honorable Court dismiss Plaintiff's Complaint with regard to the production of a copy of any tape recording utilized to create a draft of minutes of the Board meeting originally held on August 27, 2007 for later approval as the "Minutes" of the meeting and "record of the proceedings" of the Directors at the same.

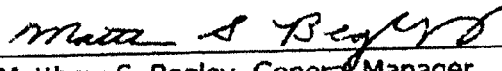
Respectfully submitted,


Michael P. Yeager, Esquire
Attorney for Defendant

VERIFICATION

I, MATTHEW S. BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly authorized to make this Verification, have read the foregoing Response to Motion for Judgment on the Pleadings. The statements therein are true and correct to the best of my personal knowledge, information and belief.

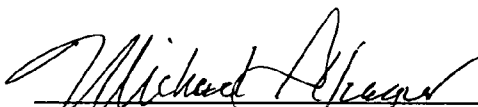
This statement and verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.


Matthew S. Begley, General Manager
Treasure Lake Property Owners
Association, Inc.

Date: March 19, 2008

CERTIFICATE OF SERVICE

On March 19, 2008 I delivered a copy of the Response to Motion for Judgment on the Pleadings in the above-captioned matter to James A. Naddeo, Esquire, NADDEO & LEWIS, 207 E. Market Street, Clearfield, PA 16830. Said forwarding was by hand delivery.

A handwritten signature in black ink, appearing to read "Michael P. Yeager", is written over a horizontal line.

Michael P. Yeager, Attorney for Defendant
Treasure Lake Property Owners Association,
Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,

Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,

Respondent.

No. 2007-1728-CD

Type of Pleading:

**CERTIFICATE OF
SERVICE**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

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William A. Strawn
Prothonotary/Clerk of Court

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

No. 2007-1728-CD

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Motion for Judgment on the Pleadings was served
on the following and in the following manner on the 12th day of
March, 2008:

First-Class Mail, Postage Prepaid

Michael P. Yeager, Esquire
P.O. Box 752
110 North Second Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:

James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

**MOTION FOR JUDGMENT ON
THE PLEADINGS**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: March 11, 2008

S

FILED

01/11/04

cc
Amy Naddeo

W.A. Starn

County Clerk of Court

19

3. That Plaintiff as a member of the nonprofit corporation is provided the right to make copies and extract from corporate records of proceedings of the members by statute. 15 Pa.C.S. § 5508(b) provides as follows:

(b) RIGHTS OF INSPECTION BY MEMBER. Every member shall, upon written verified demand stating the purpose thereof, have a right to examine, in person or by agent or attorney, during the usual hours for business for any proper purpose, the membership register, books and records of account, and **records of the proceedings of the members, directors and any other body, and to make copies or extracts therefrom.** A proper purpose shall mean a purpose reasonably related to the interest of the person as a member. In every instance where an attorney or other agent is the person who seeks the right of inspection, the demand shall be accompanied by a verified power of attorney or other writing that authorizes the attorney or other agent to so act on behalf of the member. The demand shall be directed to the corporation:

- (1) at its registered office in this Commonwealth;
- (2) at its principal place of business wherever situated; or
- (3) in care of the person in charge of an actual business office of the corporation.

4. That Defendant has refused to permit Plaintiff to make a copy of the taped minutes of the board meeting held on August 27, 2007 and admitted the same at Paragraph 6 of its Answer and New Matter to Complaint.

5. The equitable count and relief thereunder requested in Plaintiff's complaint turns on the interpretation of the statute at issue and in particular what this Court will interpret to

constitute a "record of the proceedings of members, directors and any other body."

6. Plaintiff represents that a record of the proceedings should include all records of those proceedings that are available at the time the member requests inspection of the same.

7. More specifically, Plaintiff represents that a taped record is no different than a paper record of a meeting and in fact is superior with regard to inclusiveness.

8. That Plaintiff does not believe the Pennsylvania courts have addressed the question of whether a tape recording of a proceeding constitutes a record of the proceedings available for inspection under 15 Pa.C.S. § 5508(b).

9. That the phrase "records of the proceedings" is not defined in the statute.

10. That pursuant to the rules of statutory construction the statute is clear from ambiguity and the plain meaning of "records of the proceedings" would include a tape recording of a proceeding. The statute should be interpreted pursuant to the plain meaning of the words "records of proceedings" as required by 1 Pa.C.S. § 1921.

11. That the intent of the legislature was to permit members of nonprofit corporations to have the right to examine records available that fit the areas designated by the

legislature (for example, books and records of account, membership register, and records of proceedings of the members, directors, and any other body).

12. That the intent of the legislature should not be permitted to be restricted by the corporation for no proper reason other than its own obstinacy. 1 Pa.C.S. § 1921.

13. That should this Court not find the statute to be clear from ambiguity other considerations of statutory construction weigh in favor of Plaintiff's interpretation and therefore, the same should be adopted by this Honorable Court.

14. That the pleadings are closed and time exists within which to dispose of this motion without delaying trial.

15. That the pleadings show that there is no genuine issue of material fact to be tried.

16. That Plaintiff is entitled to judgment as a matter of law for the reasons set forth herein.

WHEREFORE, the Plaintiff, Cheryl A. Gray, requests that this Honorable Court enter judgment in her favor and against Defendant insofar as requested herein. Plaintiff further requests the entry of an Order directing Defendant to permit Plaintiff to make a copy of the taped minutes of the board meeting held on August 27, 2007 and enjoining Defendant from enforcing or continuing to proceed under Treasure Lake POA

Policy Number A-45 in any manner which is inconsistent with the Court's findings in this case.

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

No. 2007-1728-CD

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

ORDER

AND NOW, this 11th day of March, 2008, upon
consideration of the Motion for Judgment on the Pleadings filed by
Plaintiff, it is hereby ORDERED that:

- 1) The respondent shall file an answer to the motion within 20
days of service thereof, said service to be made by Defendant
and;
- 2) a rule is issued upon the respondent to show cause why the
moving party is not entitled to the relief requested.

Rule Returnable and argument thereon to be held the 22nd of
April, 2008, at 10:30 A.m., in Courtroom 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

Judge

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Amy Naddeo
(M)
William A. Stuck
County Clerk of Courts

#9

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MAR 12 2008

U.S. District Court
Southern District of New York

DATE: 3/12/08

☒ You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

REPLY TO NEW MATTER

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: November 19, 2007

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William A. Snow
Prothonotary/Clerk of Courts

(GK)

(18)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

No. 2007-1728-CD

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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REPLY TO NEW MATTER

NOW COMES the Plaintiff, Cheryl A. Gray, and by her attorney, James A. Naddeo, replies to Defendant's New Matter and sets forth as follows:

15. No answer is required by Plaintiff to paragraph 15.

16. Denied. Defendant's Exhibit C (TLPOA Policy A-45) in and of itself states purposes other than the sole purpose averred in paragraph 16 by Defendant. In particular Policy A-45 states that "the tapes shall be available to interested parties (e.g. property owners and other designees of the board) for **reference purposes after** the draft written minutes are produced and shall be available for interested parties to **listen to** the taped minutes.

17. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of said averment.

18. Denied in part; admitted in part. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of what the Board does with taped and/or written minutes after each meeting. It is specifically denied that there is any distinction between an "official" record and other records of the TLPOA Board. It is admitted that the TLPOA has adopted the Bylaws and Policy A-45 as referenced and attached by Defendant at paragraph 18.

19. Plaintiff notes paragraph 19 is misnumbered as a second paragraph 18 in Defendant's New Matter. It is admitted that Policy A-45 provides that the audio tapes of meetings are to be maintained for a period of 60 days subsequent to approval of the written minutes of the same meeting by the Board and then destroyed.

20. Denied in part; admitted in part. Denied. After reasonable investigation Plaintiff is without knowledge or information sufficient to form a belief as to the truth of what specific action Defendant will take on or about November 24, 2007 (unless otherwise ordered). Admitted that pursuant to Policy A-45 the taped minutes of the August 27, 2007 meeting would be scheduled to be destroyed on or about November 24, 2007.

WHEREFORE, the Plaintiff, Cheryl A. Gray, prays for relief and that judgment be entered in her favor and against the defendant with costs and interests thereon.

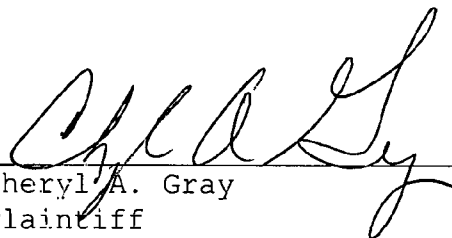
NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

V E R I F I C A T I O N

I, Cheryl A. Gray, Plaintiff, verify that the statements made in the foregoing Reply to New Matter are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:


Cheryl A. Gray
Plaintiff

Dated: 11-15-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

No. 2007-1728-CD

CERTIFICATE OF SERVICE

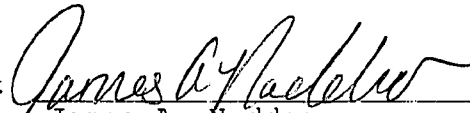
I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Reply to New Matter was served on the following
and in the following manner on the 19th day of November, 2007:

First-Class Mail, Postage Prepaid

Michael P. Yeager, Esquire
P.O. Box 752
110 North Second Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiff

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William A. Shaw
Clerk of Court

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY :
VS : NO. 07-1728-CD
TREASURE LAKE PROPERTY :
OWNERS ASSOCIATION INCORPORATED, :
A NONPROFIT CORPORATION :

O R D E R

NOW, this 31st day of October, 2007, following discussion relative the Exparte Temporary Restraining Order entered by this Court on October 26th, 2007, the Court being of the belief that the Restraining Order must continue in effect as prior to a decision on the merits the Plaintiff will suffer irreparable harm if the tape is destroyed, it is the Order of this Court that the Defendant, Treasure Lake Property Owners Association, Incorporated, continues to be enjoined from destroying the audiotape of the board meeting held on August 27th, 2007 until such time as the Court should issue a decision on the merits and relative any appeal if that should happen.

BY THE COURT,

Judith J. Cunningham
President Judge

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13 Treasure Lake
Bois, PA 15801
William A. Shaw
Prothonotary/Clerk of Courts

(6K)

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William A. Shaw
Prothonotary/Clerk of Courts

DATE 11/1/07

 You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

X Defendant(s) Defendant(s) Attorney

 See instructions.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,

Defendant
Counsel of Record for this Party

: No. 2007-1728-CD

:

: Type of Case: Equity

:

: Type of Pleading: Answer

: and New Matter to Complaint - Equity

:

: File on behalf of Defendant

:

: Counsel of Record for this Party:

:

: Michael P. Yeager, Esq.

: Supreme Court No.: 15587

:

: P.O. Box 752

: 110 North Second Street

: Clearfield, PA 16830

:

: (814) 765-9611

Dated: October 31, 2007

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William A. Shaw
Prothonotary/Clerk of Courts (6W)

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

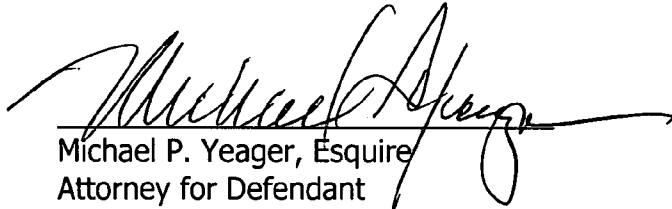
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

No. 2007-1728-CD

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.


Michael P. Yeager, Esquire
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an individual
Plaintiff

vs.

TREASURE LAKE PROPERTY OWNERS
ASSOCIATION, INC.,
Defendant

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No. 2007-1728-CD

ANSWER AND NEW MATTER TO COMPLAINT – EQUITY ACTION

COMES NOW, the Defendant Treasure Lake Property Owners Association, Inc.
("TLPOA") by and through its attorney, MICHAEL P. YEAGER, ESQUIRE and files this
Answer to Complaint – Equity Action:

COUNT I

1. Admitted.
2. Admitted.
3. Defendant is governed by a Board of Directors ("TLPOA Board") which
otherwise acts as the governing body for the private planned community of Treasure
Lake.
4. Admitted.
5. It is admitted that the Plaintiff requested that she be afforded the opportunity
to review and copy a tape made at the TLPOA Board meeting held on August 27, 2007
as set forth in Plaintiff's Exhibit A. However, the allegation that the requested tape
constitutes "minutes" or "taped minutes" of and for the TLPOA Board meeting of August
27, 2007 is specifically denied. On the contrary, the only "minutes" of the August 27,

2007 meeting were approved, as written, by the TLPOA Board during its September 24, 2007 meeting. A true and correct copy of those written "minutes" as approved by the TLPOA Board are attached hereto, made part hereof and incorporated herein as "Exhibit A". Defendant also incorporates its New Matter allegations as hereinafter set forth.

6. While it is admitted that the Defendant has denied the Plaintiff the right to copy the tape as set forth in Plaintiff's Exhibit B, it is specifically denied that the tape constitutes the "minutes" or "taped minutes" as described in the response to Paragraph 5 hereof which is incorporated herein by reference. Defendant also incorporates its New Matter allegations as hereinafter set forth.

7. Paragraph 7 of Plaintiff's Complaint pleads a conclusion of law to which no response is required. To the extent that a response may be required, Defendant incorporates its responses to Paragraphs 5 and 6 hereof as well as the allegations set forth in its New Matter.

8. Although the allegations contained in Paragraph 8 of Plaintiff's Complaint relative to a demand are admitted, Defendant denies allegations as to "taped minutes" and otherwise incorporates its responses to Paragraphs 5 and 6 as well as the allegations set forth in its New Matter relative to those allegations as to any "taped minutes".

9. While it is admitted that Defendant's policy indicates that in the regular course of business, a tape made at the August 27, 2007 Board meeting will be destroyed by the TLPOA on or about November 24, 2007, any allegation that the tape constitutes "minutes" or "taped minutes" is specifically denied. Defendant otherwise

incorporates its responses to Paragraphs 5 and 6 hereof as well as the allegations set forth in its New Matter.

10. Admitted.

Wherefore, Defendant requests that the relief prayed for by Plaintiff and the entry of Orders in accordance therewith be denied both preliminarily as well as permanently.

COUNT II

11. No response required. To the extent that a response is required, Defendant incorporates its previous responses to Paragraphs 1 through 10 of Plaintiff's Complaint.

12. While Defendant admits to being aware of the statute more particularly described as the Pennsylvania Nonprofit Corporation Code and particularly Section 5508 thereof (15 Pa. C.S. §5508), Defendant completely disagrees with Plaintiff's interpretation that the tape made at the August 27, 2007 meeting constitutes the "minutes" or "taped minutes" of the meeting and/or a "record of proceedings of the Board". Accordingly, Defendant denies that it is otherwise acting in bad faith in view of its good faith disagreement as to what might constitute the "record of proceedings of the Board" of the TLPOA. Defendant also incorporates its New Matter allegations as hereinafter set forth.

13. Plaintiff is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in Paragraph 13 of the Plaintiff's Complaint with the same being denied and strict proof thereof is demanded the trial of this case.

14. The averments contained in Paragraph 14 of Plaintiff's Complaint plead a conclusion of law to which no response is required.

WEREFORE, Defendant requests that Plaintiff's prayer for relief and judgment be denied and that judgment be otherwise entered in favor of Defendant and as against Plaintiff particularly denying injunctive relief together with costs and interest thereon.

NEW MATTER

15. Defendant incorporates responses to Paragraph 1 through 14 of Plaintiff's Complaint as though the same were more fully set forth at length herein.

16. The audio tape made during the August 27, 2007 TLPOA Board Meeting was made solely for the purpose of assisting the transcribing secretary in preparing written "minutes" to ultimately be reviewed by the Board and approved at a subsequent meeting.

17. The TLPOA Board approved the written "minutes" of the August 27, 2007 meeting at its September 24, 2007 meeting as is evidenced by a copy of those "minutes" as so approved, attached hereto, made part hereof and incorporated herein as "Exhibit A".

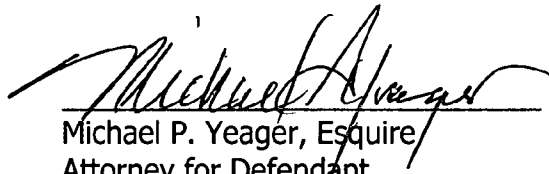
18. Once the written "minutes" of a particular meeting are approved, they become the official record of the proceedings of the Board; and are incorporated within the TLPOA corporate minute book pursuant to the Bylaws (Paragraph 6.2.3.1) and Policy A-45 of the Defendant. A copy of the Defendant's Bylaws is otherwise attached hereto, made part hereof and incorporated herein as "Exhibit B" while a true and correct copy of Policy A-45 is attached hereto, made part hereof and incorporated herein as "Exhibit C".

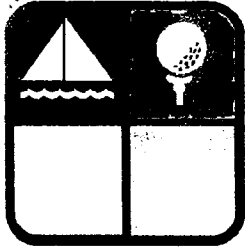
18. The audio tapes, utilized to help with creation of the written "minutes", are preserved pursuant to Policy A-45 for a period of 60 days subsequent to approval of the written "minutes" and then destroyed.

20. Pursuant to Policy A-45, unless otherwise ordered, the Defendant will destroy the audio tape made during the August 27, 2007 meeting on or about November 24, 2007 (that date being 60 days from the approval of the written "minutes" for the TLPOA Board meeting of August 27, 2007).

WHEREFORE, Defendant requests that Plaintiff's prayer for relief and judgment be denied and that judgment be otherwise entered in favor of Defendant and as against Plaintiff, particularly denying injunctive relief together with costs and interest thereon.

Respectfully submitted,


Michael P. Yeager, Esquire
Attorney for Defendant



Treasure Lake Property Owners Association, Inc.

13 Treasure Lake • DuBois, PA 15801-9099

Phone 814-371-0711 • Fax 814-375-9072

Email: tlpoa@ducom.tv • Website: treasurelakepoa.com

BOARD MEETING – MONDAY, AUGUST 27, 2007

The regular meeting of the Treasure Lake Property Owners Association Board of Directors was held at the POA on Monday evening, August 27, 2007. President Dick Rehmann presided as chair.

QUORUM AND RECORD OF DIRECTORS PRESENT

President Rehmann called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. The following board members were in attendance: Barry Abbott, Lori Corcoran, Ed Moran, Rich Harknett, Marti Laudato, Mike Nedzinski, Bill Reznor, Randy Zartman and Dick Rehmann. Also in attendance, General Manager Matt Begley.

APPROVAL OF THE AGENDA

Ms. Corcoran made the following motion: **Mr. Chairman, I move to approve the agenda as presented.** The motion was properly seconded. The vote was taken by a show of hands. **The motion carried unanimously.**

APPROVAL OF MINUTES

July 23, 2007 Regular Board Meeting: Mr. Moran made a motion to approve the minutes of the July 23, 2007 regular board meeting. The motion was properly seconded. The vote was taken by a show of hands. **The motion carried unanimously.**

August 6, 2007 - Special Board Meeting: Mr. Harknett made a motion to approve the minutes of the August 6, 2007 special board meeting. The motion was properly seconded. The vote was taken by a show of hands. **The motion carried unanimously.**

COMMITTEE REPORTS

Finance - The committee made the following recommendation: Changes to the footnotes of the audit report for the year ended April 30, 2007.

Infrastructure & Maintenance-The recommendations from the committee are as follows: 1.) Gannett Fleming include The PA Wilds Development Guidelines in the master plan; 2.)Gannett Fleming complete the master plan ASAP. The plan will be complete by the October 9, 2007 Infrastructure & Maintenance; 3.) The board close the road beyond the stump dump (Sludge Dump Road) and permanently barricade it.

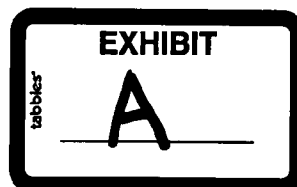
Special Borough - The recommendations of the committee are as follows: 1.) Treasure Lake roads be dedicated to TL Borough and maintained by property taxes; 2.) The amenities – golf courses, lakes and docks, lodges – remain the property of the TLPOA at least for now; 3.) Mr. Begley develop a list of the present needs of TL and determine the costs to provide those basic needs.; 4.) Mr. Reznor will ask for a sense of the board's resolution at the board's next meeting.

The committee reports and special committee reports as received are on file at the POA office.

TREASURER'S REPORT:

The spreadsheet prepared by management depicts the following accounting for revenues and expenses:

The total revenues from administration is exceeding budget and is stated at 104.4% for the quarter ended July 31, 2007. The total amenity stream of income is below budget mainly due to the underperforming of Cayman Landing, the marina and the golf courses. I have enclosed a summary of this spreadsheet and will touch on those particulars items when we review that document.



Expenses for both administration and amenities are collectively at or below budget for both the month and the quarter ending in July. However, administrative expenses are running at 105% and that mainly is due to professional fees. This year we received and paid the audit fee in the month of July along with some legal fees relating to ongoing issues. Also, we have taken over the 19th hole at the Silver golf course due to the restrictions on transferring the liquor license so those line items for revenues and expenses will differ significantly from budget.

Although I have stated that the administrative revenues are exceeding budget there will be some line items that will be affected. On the revenue side we have budgeted 70,000 in timber revenues. This amount was collected last fiscal period and we do not anticipate any source of revenues from that action. Additionally, the price of timber is down and the market is not favorable at this time. Expenses for insurances will see a rather large reduction due to receiving a favorable bid from our current carrier. These savings amount to approximately 100,000 and we should have enough safeguards in place to reach our projected bottom line.

In reviewing the recap/summation of the management report you will note that the line item for security has been moved to be consistent with the internally prepared management reports. You will also find disclosures that touch briefly on the variances that are below acceptable or desired levels. These items were discussed at the finance meeting and we are hopeful that the tabulation for the month of August will show improvement in these areas. Corrective steps will be discussed if this trend continues. It should be noted that all of the amenities are equal or exceeding the previous year's collections but none the less they are falling short of the first quarter budget.

PRESIDENT'S REPORT

Mr. Reherrmann stated all committees are fully supported with volunteers and are functioning well. Mr. Reherrmann stated property owners are still volunteering for committee service. Mr. Reherrmann thanked the Recreation committee in particular and all who helped to make the recent George Thorogood concert a success. Mr. Reherrmann thanked the property owner who alerted him to the presence of the media in regards to the media coverage of the geese problem on NPB. Mr. Reherrmann reminded the audience that all board actions will be posted on the Treasure Lake website.

GENERAL MANAGER'S REPORT

Mr. Begley reported the POA is developing a database of property owners' e-mail addresses to be used for special informational updates on the borough committee and other timely topics. Property owners will also be able to elect to have their Treasure Chest newsletter delivered to their e-mail mailbox. Mr. Begley stated that property owners will routinely be asked to provide their e-mail address when ever contact is made with the POA. The goal is to have approx. 25% of the address within one year. Mr. Begley thanked Lori Corcoran for her tireless efforts during the George Thorogood concert. He also noted that only 3 lifeguards remain on the POA payroll and it will not be possible to keep the pools open during the afternoons on weekdays. The pools will remain open on the weekends. Mr. Begley called attention to the motion before the board to approve pursuing a permit to drawdown Treasure Lake to do some needed repairs to the dam and to allow property owners to use this opportunity to repair docks and deepen the areas around their docks. The lake will be lowered 3-5 feet if the permit is approved.

FLOOR OPEN TO COMMENTS AND QUESTIONS FROM MEMBERS

Mr. Dave Sylvis – Sec 5 lot 165: Mr. Sylvis requested the Borough cmte. research and present to the property owners all possible impacts of becoming a borough. He noted the borough would have the ability to assess taxes at a higher millage than the township does. Mr. Sylvis also stated a borough would have to provide for services that the township does not such as low income housing and that Gov. Rendell just signed a law excluding the first \$12,000 of income for the EMS tax.

Mr. Doug Mellors – Sec 15 lot 207: Mr. Mellors asked if the POA received a response to the letter sent to Coldwell Banker regarding the modification for the then proposed sign. Mr. Begley replied he received a reply thanking the POA for the letter and stating Coldwell Banker would proceed with the sign as proposed. Mr. Mellors suggested possibly we should stop permitting Coldwell Banker to advertise in the treasure Chest because of their disregard of our requests.

Mr. Mike Solensky – Section 15 lot 354: Mr. Solensky stated he had given a letter to Mr. Rehmann, Mr. Harknett and Mr. Begley suggesting the POA could take action against the Coldwell Banker sign as it does not integrate with the natural beauty of Treasure Lake. Mr. Solensky suggested the POA obtain a legal opinion of what courses of action may be open to the POA. Mr. Solensky requested copies of any agreements or permits issued for the sign.

Ms. Patricia Mellors – Sec. 15 lot 207: Ms. Mellors pointed out the policy J-1 stipulates that a property owner can not serve on the Judicial committee and also the Safety & Security and/or the Property Control cmte. Mrs. Mellors also noted that all but one board member voted to approve the committee membership and by doing so this policy was violated.

Mr. Craig Bell – Sec 15 lot 67: Mr. Bell read a statement informing the board of a new group within Treasure Lake to be known as Treasure Lake Owners – Active, Concerned Together (TLO-ACT) The stated purpose of this group is to require accountability of the board to the property owners. Mr. Bell listed the following issues to which TLO-ACT would like a written response from the board. The issues are: 1.) Developac Realty Office Sign; 2.) Golf course no trespassing sign; 3.) Cayman Campground condition; 4.) Derelict docks and private dock identification; 5.) Treasure Lake vehicle identification; 6.) Charitable and other contributions; 7.) General Manager's employment agreement. The statement Mr. Bell read and distributed is on file at the POA Administration office.

Mr. Cal Johnson – Sec 5 lots 9 & 9A: Mr. Johnson inquired as to the possibility of increased measures being taken to control both the deer population and the geese population. Mr. Begley replied the number of available D-MAPS were increased this year and there was a slight increase in the amount of acreage included in the hunt areas. Mr. Begley also noted all avenues of non-lethal control of the geese have been exhausted and TL is now pursuing permission to use lethal methods of control because of the health issues involved with the fecal bacterial counts on the beaches.

Ms. Nancy Kunselman – Sec 15 lot 210: Ms. Kunselman inquired if there will be Treasure Lake Fall trash clean-up days this year. Ms. Kunselman also stated that she has not received a letter regarding the stump dump as wondered if they have been mailed and if not when could she expect to receive the letter. Ms. Kunselman asked if the Special Borough cmte. questions and answers document would be posted in areas of public availability so that property owners without internet access could view the material also.

Ms. Mary Mars – Sec 19 lot 512: Ms. Mars asked if the property owners could e-mail the POA administration offices with their e-mail addresses. Mr. Begley responded they could and the e-mail address on the website goes directly to the administrative assistant who will plug them into the database.

Ms. Cheryl Gray-Sec. 17 lot 25: Ms. Gray read from a statement about e-mails she received from Board Members Mike Nedzinski and Bill Reznor in response to her letter to the editor which was published in the Courier Express. She expressed her disapproval for the content of the e-mails and strongly suggested the board of directors address the conduct of Board Member Mike Nedzinski. The statement Ms. Gray read and distributed is on file at the POA Administration office.

Mary Mars Sec 19 – Lot 512: Ms. Mars attended a Crown Resorts' meeting in the place of her daughter and was told by the gentleman conducting the meeting that he knew very little about the activities available to Crown Resorts members because they were not allowed to come to the POA meetings. Ms. Mars informed him that when a timeshare member is in residence they are allowed to attend the meetings. Ms. Mars asked if they are allowed to come to our meetings. Mr. Rehmann replied they have not been told they can not attend.

BOARD MEMBER COMENTS

Mr. Nedzinski: Mr. Nedzinski stated he agrees with Mr. Mellors and Mr. Solenski and he has voiced his displeasure with the Coldwell Banker office and encourages people to express their displeasure to Coldwell Banker. Mr. Nedzinski stated he stands by most of the content of his e-mail because Ms. Gray gave the impression in the letter she knew the results of the block vote and no one knows that.

Mr. Zartman: Mr. Zartman requested that everyone keep an open mind regarding the borough issue and try to think outside the box when the information is made available to you.

Ms. Laudato: Ms. Laudato read from a statement regarding e-mails she received from board members Mike Nedzinski and Ed Moran regarding her comments on the position of liaisons to committees. Ms. Laudato read Mr. Nedzinski's e-mail and objected to the use of profanity directed at Ms. Laudato. Ms. Laudato requested the board rebuke Mr. Nedzinski and petition the court to remove Mr. Nedzinski from the board. The statement Ms. Laudato read and distributed is on file at the POA Administration office.

Mr. Rehmann: Mr. Rehmann pointed out to the board and audience that all board members sign a pledge that requires them to keep confidential board communications. Mr. Rehmann asked Mr. Nedzinski if the e-mail was sent under the notice of confidentiality.

Mr. Nedzinski: Mr. Nedzinski stated he did.

Ms. Laudato: Ms. Laudato stated she was okay with reading the email.

Mr. Rehmann: Mr. Rehmann called for order. Mr. Rehmann stated that he was informed of this at the same time everyone in the meeting was informed and asked for common courtesy from the board and the audience.

Ms. Corcoran: Ms. Corcoran asked Ms. Laudato if she was willing to stand by her statement and that Ms. Laudato feels she is owed an apology for the language and that no board member asked for an apology from Mr. Nedzinski to Ms. Laudato. Ms. Laudato indicated she did. Ms. Corcoran then asked Ms. Laudato to recall an e-mail that Ms. Laudato sent to Ms. Corcoran that was extremely hostile, discourteous and disparaging and no board member, present or past, stood up for Ms. Corcoran, nor did she receive an apology, nor did she or will she make it public. Ms. Corcoran stated the board sometimes disagrees in a manner that isn't pleasant but Ms. Corcoran also noted two board members who publicly humiliated a staff member at a meeting and nothing was done about it. Ms. Corcoran noted the people complaining about disrespect are the board members who disrespected and embarrassed the staff member in public. Ms. Corcoran asked the board to reconcile this matter in a more professional manner than has been displayed.

Mr. Nedzinski: Mr. Nedzinski reminded the board that Ms. Laudato used a profanity in reference to him at the previous board meeting.

Ms. Laudato: Ms. Laudato reminded Mr. Nedzinski that she apologized for that lapse.

Mr. Rehmann called Ms. Laudato to order.

Mr. Harknett: Mr. Harknett stated that after some additional thought he will vote against motion B instead of abstaining. He noted his vote reflects his belief the committee is already too large.

Mr. Reznor: Mr. Reznor stated he has met with the township manager and has been offered the documented township revenues for use in determining possible revenue levels for the borough. Mr. Reznor also stated the borough information will be posted on the local bulletin boards and property owners may mail any questions they may have regarding the borough status to the POA office. Mr. Reznor detailed an incident he experienced with a local TV news crew who neglected to keep their word to include a disclaimer that Mr. Reznor required as a condition of interview that the opinions Mr. Reznor expressed were his opinions and not those of the board. They also erroneously identified him as the president of the board.

Mr. Moran: Mr. Moran noted the frustration he and the board members experience by virtue of their service on the board. He was given the advice as a new board member that he needed to have a thick skin to be on this board. Mr. Moran stressed he does not always condone the behavior exhibited by board members but because there is conflicting issues and opinions, both on the board and in the community, he believes there is a need for a board spokesperson. Mr. Moran requested permission and read the entire e-mail from which Ms. Laudato had read excerpts. Mr. Moran stated in his opinion the board should start acting as adults and stop bickering and get on with the work of the board.

Ms. Corcoarn: Ms. Corcoran noted seven members of the Recreation cmte. worked tirelessly for the George Thorogood concert on Saturday and also several teenagers graciously spent their last Saturday of the summer helping with the preparations from late morning to early evening. Ms. Corcoran thanked Annie and Ned Caldwell, Cicellia Miller, Toni Huston, Tarin Mooneyham, Terri and Kenny Knarlesboro, Jessie Piazzio, Rachel Dressler, Emily Miller, Sarah Miller and Veronica Corcoran for their hard work and time. Ms. Corcoran also thanked Mr. Tom Boylan for his excellent work in producing the Treasure Chest and called particular attention to the most recent issue wherein the committee reports from the POA Annual General Membership meeting are recorded. Ms. Corcoran also stated the board will look into the issue reported that a member of the Judicial cmte. may also be serving on the Property Control or Safety & Security cmte. and resolve it. Ms. Corcoran asked the property owners to extend to the board the courtesy of not talking or leaving while a board member is speaking as the board members are careful to extend that courtesy to the property owners.

Mr. Abbott: Mr. Abbott stated he has received phone calls regarding dog control; Cayman Landing, golf course signage and stump dump issues. Mr. Rehmann requested if a property owner has a concern put it in writing and send it to the general manager and your concerns will be addressed. Mr. Abbott also noted that he is doing his part to beautify the stump dump by planting some day lilies there.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Reznor made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation accept the resignation of Joyce Gosch from the Judicial committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Moran –yes; Mr. Nedzinski- yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Nedzinski made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation accept the addition of Tom Boylan to the Golf committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - no; Ms. Laudato –no; Mr. Nedzinski- yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. 6- Affirmative; 2- Negative. **The motion carried.**

Ms. Corcoran made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation accept the addition of Ed Bajus to the Cayman Landing committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Harknett made the following motion: **Mr. Chairman I move that the board of directors by majority vote in affirmation accept the resignation of Richard Vollenweider from the Property Control Committee and accept the appointment of Charles Myers to the Property Control Committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Abbott made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation approve the documentation and deer management program as proposed by the Wildlife committee.** The motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinski – yes; Mr. Moran – yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

Mr. Moran made the following motion: **Mr. Chairman, I move that the board of directors by majority vote in affirmation authorize the general manager to pursue the permitting process for a drawdown of Treasure Lake as presented by the general manager at the August 20, 2007 work session.** The

motion was properly seconded. The following roll call vote was recorded: Mr. Abbott – yes; Ms. Corcoran –yes; Mr. Harknett - yes; Ms. Laudato –yes; Mr. Nedzinki – yes; Mr. Moran –yes; Mr. Reznor - yes; Mr. Zartman; -yes. **The motion carried unanimously.**

MOTION TO ADJOURN

There being no further business to conduct, Ms. Laudato made a motion to adjourn. The motion was properly seconded. The vote was taken by a show of hands and the motion carried unanimously. The regular meeting of the TLPOA Board of Directors adjourned at 8:30 p.m.


Lori Corcoran, Secretary

Date Minutes Approved: 9 Aug 07

BYLAWS OF THE TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.

ARTICLE I NAME, PURPOSE, AFFILIATIONS

Section 1.1 NAME: This Corporation shall be known as the Treasure Lake Property Owners Association, Inc. (the "Association"), a Pennsylvania non-profit corporation whose business address is 13 Treasure Lake, DuBois, PA 15801.

Section 1.2 PURPOSE AND OBJECTIVE: The general purpose of the "Association" is to further and promote the community welfare of the Treasure Lake property owners, including but not limited to, the holding, management, maintenance and enhancement of such real properties, infrastructures and easements owned by the Association and those which the Association has acquired or may acquire in the future. In exercising this obligation the Association may take such action, as it deems necessary to promote the safety, security, and well being of its property owners.

1.2.1 Glossary of Terms. A 'glossary of terms' (Appendix A) is made part of these bylaws to provide further elaboration where necessary regarding the intended meaning of various provisions throughout the text.

1.2.2 Action By Board of Directors. Whereas the members of the board of directors are elected by those members in good standing of the Association to further and promote the community welfare and to take such action as it deems necessary to promote the safety, security, and well being of its property owners, the directors shall vote on the various issues presented before it in the following manner as generally prescribed throughout these bylaws. 'Elected directors' means the nine (9) directors specified in these bylaws as constituting the membership of the board of directors whether elected by the general membership or selected to fill a directorship as the result of a board vacancy.

(a) Majority vote shall mean: A roll call vote in the affirmative of a majority of the directors present when there is a quorum for business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last. A roll call is not required for purposes of voting to adjourn a meeting or work session.

(b) Two-thirds (2/3rd) vote shall mean: A roll call vote in the affirmative of the elected directors when there are not less than 6 directors present for that particular business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last.

Section 1.3 AFFILIATIONS: All Treasure Lake organizations, or groups, as of the date of adoption of these bylaws, shall continue to be recognized as being affiliated with or otherwise under the auspices of the Association until their dissolution.

1.3.1 Procedures for Affiliations or Sponsorship. An organization or group may become affiliated with the Treasure Lake Property Owners Association, Inc., with the approval by a majority vote of the board of directors. Application for affiliation with or sponsorship by the Association shall be submitted in writing to the board for review and consideration. The application must be in letterform and shall contain a brief description of the applicant(s) (organization(s)) purpose, structure, and requirements for membership. Upon receipt of such application, the board shall make its decision to approve or disapprove such affiliation within sixty (60) days after receipt of the application by the board secretary.

1.3.2 Dissolution of Affiliation. The board of directors may, for just cause, withdraw affiliation upon a majority vote to do so. The board secretary shall notify the affiliated organization in writing explaining the board's decision to terminate affiliation not less than fifteen (15) days prior to the date set for such action, thereby affording the organization an opportunity to appeal such action. Any appeal against disaffiliation must be made in writing within this prescribed time period.

ARTICLE II MEMBERSHIP

Section 2.1 REGULAR MEMBERSHIP. Regular membership of the Association shall consist of the following: all persons, partnerships, or corporations, who acquire title, legal or equitable, to any form of real estate within the Treasure Lake subdivision, Sandy Township, Clearfield County, Pennsylvania, other than the Treasure Lake Property Owners Association, Inc. ("Association"). For purposes described herein 'acquire title' means, the names appearing on the deed or other legal instrument established for recording ownership, or affiliation with, an entity that has acquired real estate within the Treasure Lake subdivision.

Section 2.2 ASSOCIATE MEMBERSHIP. Associate memberships shall be divided into two groups: Full associate membership and limited associate membership. The regular member must be a member in good standing for the associate membership(s) to be valid.

2.2.1 Full Associate Membership. Full associate membership shall be afforded all rights and privileges as that of a regular membership, to all persons residing in the same household as the regular member and claiming said household as their permanent residence. However, full associate members shall not have the right to vote, hold elective office, or to chair any committee of the Association.

2.2.2 Limited Associate Membership. Limited associate membership may be granted for the use of amenities that allow public access, as deemed by the board of directors. Rules and regulations regarding limited associate membership will be defined by the board of directors and generally applies to guests of a regular member or full associate member, as well as those persons residing in the Treasure Lake subdivision under the terms of a written long-term lease or long-term rental. For purposes described herein 'long-term' means six (6) months or longer. However, limited associate membership shall not entitle the person(s) the right to vote, hold elective office, or to chair or serve on any committee of the Association.

Section 2.3 ASSIGNMENTS OF MEMBERSHIP. Neither class of membership described in Sections 2.1 or 2.2 inclusive shall be assignable.

Section 2.4 MEMBERSHIP STANDING. To be recognized as a regular member in good standing of the Association and thereby entitled to all the rights and privileges thereof, as defined in Article II, Section 2.5 of these bylaws, the member must:

2.4.1 Ownership. Own or have an equitable interest in a lot or lots situated within the Treasure Lake subdivision, Sandy Township, Clearfield



County, Pennsylvania (for purposes of this section the areas known as Cayman Landing, Silverwoods and Wolf Run are also included). Such ownership must be validated by a Deed of Trust or other legally recognized instrument.

2.4.2. Financial Obligations. Be current with the financial obligations to the Treasure Lake Property Owners Association in accordance with Section 2.4.1, as witnessed by the financial records of the Treasure Lake Property Owners Association, Inc. to include Association annual assessments as well as any and all outstanding fines, fees, or penalties imposed by the Association on the property owner(s) and members excluding amenity membership charges and fees incurred during the current assessment year.

2.4.3. Residency. Residency within the Treasure Lake subdivision is not required for determining the eligibility standing in the Treasure Lake Property Owners Association as a regular member.

Section 2.5 PRIVILEGES OF MEMBERSHIP. The privileges of regular membership shall include:

2.5.1. Right of Access. The right of access to the lot(s) owned by the respective members over and across the roads owned or maintained by the Association.

2.5.2. Use of Facilities. The use of such facilities as the Association may acquire or establish for the convenience of its members.

2.5.3. Use of Recreational Facilities. The use of such facilities as the Association may acquire or establish for recreational purposes.

2.5.4. Right to Vote. The right to petition and vote with respect to all matters that may be referred to the vote of the regular members by law or by these bylaws.

2.5.5. Meeting Attendance. The right to attend all open board meetings, committee meetings, hearings, and meetings of the membership.

Section 2.6 DISCIPLINARY MEASURES.

2.6.1. Right of Access. The right of access, as the operator of a motor vehicle, over and across roadways owned or maintained by the Association may only be revoked and/or suspended for causes attributed to failure of a member, guest, or invitee to Treasure Lake to make complete and full payment of fines imposed for motor vehicle violations or for repeated hazardous motor vehicle violations, as set forth in the Association's Security Policies and/or the Association's Administrative Policies.

2.6.2. Other Rights. The rights conferred by Article II, Sections 2.5.2, 2.5.3, 2.5.4 and 2.5.5, shall be automatically suspended if the member (1) is in default of any monetary obligation owed to the Association, (2) is otherwise in default of any other provisions of the Association's legal documents, such as the Declaration of Restrictions, these bylaws, and Association policies and has been afforded ten (10) days written notice of non-monetary default. The member's rights shall be restored after all defaults have been determined to be satisfactorily cured in accordance with policies established by the Board of Directors.

2.6.3. Individuals Subject to Discipline. If a member, their guests, tenants or invitees, or a member of their immediate family creates a nuisance upon any of the Association's properties, or by intentional actions or omissions, causes damage or expense to the Association in a determinable amount, or otherwise violates the Rules and Regulations of the Association, they shall be subjected to disciplinary actions as outlined in Association policies.

2.6.4. Rights and Remedies. Rights and remedies provided in Section 2.6 shall not be exclusive of any other rights and remedies provided for under Commonwealth or other law, which the Association may avail itself of to discipline the categories of individuals, set forth in 2.6.1 and 2.6.3

ARTICLE III GOVERNMENT

Section 3.1 BOARD OF DIRECTORS

3.1.1 Association Management. The general management of the affairs of the Association shall be vested in the board of directors, who shall be elected as provided in these bylaws.

3.1.2 Board Members. The board shall consist of nine (9) directors, including a president, a vice president, a secretary, and a treasurer.

3.1.3 General Manager. The board of directors may hire a general manager to conduct day-to-day management of the activities of the Association. The duties of this position shall be determined by the board of directors as set forth in Article XII and job description.

Section 3.2 DUTIES AND POWERS OF THE BOARD OF DIRECTORS

3.2.1 Association Management. The board shall have general charge and management of the affairs, funds, and property of the Association. They shall have full power and it shall be their duty to carry out the purpose of the Association according to its Articles of Incorporation, Declaration of Restrictions, Bylaws and the applicable laws of the State of Pennsylvania.

3.2.2 Rules and Policies. The board shall have the power to establish rules and policies for the conduct of the members, their guests and general invitees and the use of the Association property and to determine whether the conduct of any of these parties is detrimental to the welfare of the Association and to fix penalty for such misconduct as well as any violation of these bylaws, rules or policies.

3.2.3 Financial. The board shall have the power to:

3.2.3.1 Expenditures. Approve the expenditures of money, as deemed necessary, subject to 3.2.3.3.

3.2.3.2 Contracts. To contract for lease or purchase in the name of the Association, subject to 3.2.3.3.

3.2.3.3 Limitations. The board may not enter into any obligation or dispose of any asset that exceeds in value five percent (5%)

of that fiscal year's approved annual budget excluding capital items without obtaining the agreement of the membership either at the annual meeting or at a special meeting called in accordance with section 4.4.

3.2.4 Property. The board may dispose of or acquire and administer any property or rights from anyone for the benefit of the Association.

3.2.5 Operating Powers. The board shall have the power and authority to perform any and all acts to carry out and achieve its objectives, within the powers granted in these bylaws, but not limited to the foregoing. It shall have the duty, responsibility, power, and authority to:

3.2.5.1 Garbage and Refuse. Arrange for garbage and refuse collection by private haulers for members of the Association.

3.2.5.2 Safety. Provide standards of safety for the protection of the members of the Association and its employees.

3.2.5.3 Roads. Maintain, repair and keep open roads in the Treasure Lake Development owned by or under the control of the Association.

3.2.5.4 Properties and Amenities. Operate and maintain other properties and amenities owned or acquired by the Association for the benefit of the Association.

3.2.5.5 Other Services. Provide such other services as may be deemed necessary but not limited to those areas or items listed above.

3.2.6 Assessment Powers. The board shall have the power to impose an assessment or charge upon the members in such amounts as it shall deem necessary for the Association to properly perform its functions and for the services furnished by the Association. Any increase or decrease in the assessment or charges imposed under this clause that will result in a change of more than 10% over or under the prior year's equivalent charge shall require a two-thirds (2/3rds) vote of the elected directors. No such charge shall ever be made against, or be payable by Treasure Lake Property Owners Association Inc. or its successors and assigns, the Association itself or any corporation(s) that may be created to acquire title to, and operate, the water or sewer utilities servicing the area, or any lakes, dams, beaches, lake access tracts, marinas, golf courses, tennis courts, swimming pools, clubhouse grounds, campgrounds, or other like recreational facilities.

3.2.7 Employment Powers. The board may engage and employ such persons at such compensation, as it may deem necessary to carry out and achieve any of the objectives and purposes of the Association. However, no person serving as an elected or appointed director can receive and be compensated in any form, or benefit from the Treasure Lake Property Owners Association during their full term of office. No elected or appointed officer or director of the Association may be employed by the Association in any administrative or supervisory position for a period of one year after leaving office. Any elected or appointed director shall make known any financial interest in any company transacting business with the Treasure Lake Property Owners Association during their full term of office.

3.2.8 Disclosure Statement. Any person, including an employee, who receive or will receive compensation from the Treasure Lake Property Owner's Association, must, at the time of their hiring, disclose fully to the Association any financial and/or business interest in any company or business affiliation with any individual or group transacting business with the Treasure Lake Property Owners Association. Failure to make full disclosure shall result in immediate termination of such employment relationship notwithstanding the existence of any employment contract with the Association. This Section shall also apply to all current employees and a disclosure shall be executed within thirty (30) days of acceptance of these bylaws.

Section 3.3 CONFLICT OF INTEREST. When it is determined or disclosed that a director, officer or employee has a compensatory interest in a privately owned company, or more than one percent (1%) of the outstanding stock of a publicly held corporation with whom Association business is conducted a conflict of interest shall be deemed to exist. No contract, agreement or transaction between the Association and any of its directors, officers, employees, or any other entity in which one (1) or more of the aforesaid directors, officers, or employees are deemed to have an interest shall be entered into by the Association, unless:

3.3.1 Material Facts. The material facts as to the relationship or interest and as to the contract or transaction are disclosed or are known to the board of directors and/or the members entitled to vote thereon, if any, and the contract or transaction is specifically approved in good faith by a two-thirds (2/3rds) vote of the remaining elected directors and the contract or transaction is fair to the Association at the time it is authorized, approved, or ratified by the board of directors or Association members. Any director having a compensatory interest or relationship in the contract or transaction shall recuse them-self from voting.

3.3.2 Violation. Any director, officer, or employee of the Association shall be deemed to have vacated his or her office or position of employment if found to be involved in or a party to a conflict of interest, the circumstances of which he/she has failed or neglected to disclose to the Board of Directors and/or the Association prior to approval or ratification of such contracts or transactions by the board of Association members, when applicable.

3.3.3 Vacancy Due to Violation. The provisions of 3.3.2 concerning removal from office or employment by virtue of conflict of interest in the exercise of assigned duties and responsibilities is hereby incorporated by reference as a part of Article V, Section 5.7 of these bylaws. In such cases, after reasonable inquiry and investigation of the circumstances and facts pertaining to the alleged conflict, a two-thirds (2/3rds) vote of the remaining elected directors of the board of directors shall be sufficient to determine whether there is just cause for vacating the respective board office or position of employment.

3.3.4 Board Member's Pledge of Commitment. Each candidate for the board of directors shall accept and sign the Board of Director's Pledge of Commitment and submit the signed pledge along with their other candidacy documents to the Nominating and Election committee prior to their name being placed on the ballot.

ARTICLE IV MEETINGS and WORK SESSIONS

Section 4.1 GENERAL REQUIREMENTS: Meetings and/or work sessions (hereinafter referred to as regular, special, informational, or general membership) shall be conducted as set forth in Sections 5703 and 5704, Title 15 Pennsylvania Consolidated Statutes which also requires that

notice be given to members and/or the body 5 days prior to the day named for the meeting. All business voted on shall be affected by 'majority vote' except for specific provisions within these Bylaws and real estate transactions which are provided for in Commonwealth statute as requiring a '2/3rds vote'.

For purposes of a 'majority vote' the provisions outlined in Article 1.2.2(a) apply.

For purposes of a '2/3rds vote' the provisions outlined in Article 1.2.2(b) apply.

Section 4.2 ROBERTS RULES OF ORDER. The requirement for Robert's Rules of Order Newly Revised is deleted without substitution with regard to the conduct of the meetings.

Section 4.3 BOARD MEETINGS and WORK SESSIONS.

4.3.1 Regular Meetings. The board shall hold regular meetings for the purpose of conducting the business of the Association. Regular meetings of the board are to be held monthly, at times and locations designated by the board of directors. The board may schedule work sessions as necessary. All board meetings and work sessions may be attended by any Treasure Lake Property Owners Association member and it is also recognized that from time to time non-members may also have need to attend these meetings or work sessions. Those sessions dealing with personnel items, legal issues, potential real estate transactions or other items deemed to be of a confidential nature may be held in closed session at the discretion of the chairman and/or a majority request of the B.O.D.

4.3.1.1 Notice. Notice of all meetings and work sessions shall be posted together with an agenda for that meeting or work session five (5) days prior to such meeting or work session taking place.

4.3.1.2 Order of Business. The order of business shall be determined by the board of directors, and shall include, but not be limited to:

- a. Quorum count
- b. Approval of agenda
- c. Minutes of previous meeting
- d. Treasurers' report or financial report
- e. Standing and special committee reports
- f. Unfinished (old) business
- g. New business
- h. Adjournment

4.3.2 Special Board Meetings. The president or secretary may call a special board meeting of the board of directors on their own initiative whenever, in their judgment, it may be necessary; or otherwise by the secretary upon the request of any two members of the board. Five (5) days notice of a special meeting shall be given to all directors, and shall be deemed sufficient notice of such meeting. The five (5) day notice may be waived upon unanimous consent of all directors.

4.3.2.1 Notice. Notice of a special meeting shall be posted and shall include the purpose for which the meeting is being called.

4.3.2.2 Order of Business. The order of business shall be limited to the purpose for which the meeting has been called

Section 4.4 MEMBERSHIP MEETINGS

4.4.1 Annual Membership Meeting. There shall be an annual meeting of the membership in July of each year to be held within Treasure Lake. The exact date, time and location shall be set forth in a notice thirty (30) days before such meeting.

4.4.2 Special Membership Meeting. The president shall call a special membership meeting after first having secured the approval of the board of directors or upon receipt of a petition signed by at least ten per cent (10%) of the voting members in good standing. The meeting shall be called within forty-five (45) days of the submittal of the petition.

4.4.3 Informational Meetings. Informational meetings may be called at the discretion of the president to advise the membership of items of general interest, pending changes, current state of the Association and other related matters. Sections 4.4.4 and 4.4.5 do not apply to this section.

4.4.4 Notice of Meetings. Notice of membership meetings shall be posted thirty (30) days before such meeting. The notice shall contain the agenda for the meeting. The notice shall also be sent to all members by mail.

4.4.5 Order of Business: The order of business for general membership meetings shall be as stated in Section 4.3.1.2 and for special membership meetings Section 4.3.2.2.

Section 4.5 QUORUMS

4.5.1 Board Quorum. At meetings of the board of directors, a majority of the total numbers of directorships authorized by these bylaws shall constitute a quorum. There is no quorum requirement for work sessions.

4.5.2 Membership Quorum. At meetings of the membership six hundred (600) regular members in good standing, including proxies, shall constitute a quorum. There is no quorum requirement for informational meetings.

Section 4.6 VOTING PROCEDURES AT MEETINGS (a quorum being present)

4.6.1 Membership Meetings. A majority of those voting including proxies shall be necessary for a motion to pass and be adopted unless otherwise stated in these bylaws.

4.6.1.1 Proxies (Absentee Voting). Proxies shall be valid for determining a quorum and for those matters specified on the proxy forms as set forth in Section 4.7.1.

4.6.2 Board Meetings. A majority of board members present shall be necessary for a motion to pass and be adopted by vote unless otherwise stated in these bylaws as requiring a two-thirds (2/3rds) vote.

Section 4.7 ANNUAL OR SPECIAL MEMBERSHIP MEETING PROXIES

- 4.7.1 Proxies Format.** The Association shall prepare proxy forms that must contain the following: (a) Designate the secretary as the proxy holder; (b) Identify the meeting at which the proxy may be used; (c) set forth a description of each matter which the board, including member motions, if any, will be presented for action by the members; (d) present an opportunity for the members to specify approval or disapproval of each such matter; (e) provide a line for the member's signature, section and lot number or UDI number and the date.
- 4.7.2 Issuance of Proxies.** Proxies will be issued to all regular members of the Association as outlined in Section 2.1 in the manner defined in 5.1.1, 5.1.2 and 5.1.3.
- 4.7.3 Validity.** A proxy so filed shall be valid only for the designated meeting even when such meeting is suspended or adjourned.

ARTICLE V VOTING AND ELECTIONS

Section 5.1 VOTING ELIGIBILITY.

- 5.1.1 Residential Properties.** Units of real estate within the subdivision of Treasure Lake, and defined as residential lots by the Declaration of Restrictions, may have more than one owner which may result in more than one regular member of the Association. However, all voting within the Association by individual single residential lots shall be limited to one (1) vote for each parcel of unit of real estate giving rise to membership.
- 5.1.2 Time Shares.** The voting eligibility for other types of ownership and real estate usage within the Treasure Lake Subdivision (e.g. ownership interest at Wolf Run Manor and/or Silverwoods) will be determined based on the details of an agreement as amended and signed by the Recreation Land Corporation, Silverwoods Association, Inc., Wolf Run Manor Association, Inc., and the Treasure Lake Property Owners Association, Inc. dated December 30, 1988. *(A copy of the agreement is on file at the administrative offices of the Treasure Lake Property Owners Association, Inc.)*
- 5.1.2.1 Qualification of Voters.** To cast votes in elections and other business of the TLPOA the Wolf Run Manor Association, Silverwoods Association and other similar ownership interests must submit by May 10 of each year to the secretary of the TLPOA Board of Directors the following items:
- 5.1.2.1.1 Membership Lists.** Active membership lists of each of their members.
- 5.1.2.1.2 Board Members.** Names and addresses of the board of directors of each organization.
- 5.1.2.1.3 Bylaws/Restrictions.** Copy of Bylaws and Declaration of Restrictions that include who is authorized to cast votes for members of the respective owners associations.
- 5.1.2.1.4 Interval Ownerships.** The number of interval ownership interests sold on a per unit basis.
- 5.1.3 Undivided Interests.** The voting eligibility shall be determined in accordance with the details of an agreement signed by the Recreation Land Corporation and the Treasure Lake Property Owners Association, Inc. dated December 30, 1988 and as amended May 9, 1989. A copy of this agreement is on file at the administrative offices of the Treasure Lake Property Owners Association, Inc.
- 5.1.4 Voting.** Voting for board members and all other Association business shall be in person or by a proxy executed in writing by the member or their duly authorized representative.
- 5.1.5 Voting Parcels Standing.** For their votes to be counted, voting parcels or units must be in good standing relative to payment of all financial obligations owed to the Association, and be otherwise in good standing with respect to the Rules and Regulations of the Association, including Article II, Section 2.4.2 of these bylaws. Each voting parcel or lot shall stand on its own for determining voting eligibility.

Section 5.2 ELECTION OF BOARD DIRECTORS. Voting shall be by printed ballot, as prescribed by Article V, Section 5.1.4 of these bylaws. The directors of the Association shall be confirmed by the certified election results at the annual membership meeting of the Association held in July of each year based upon the policies and procedures approved by the board of directors.

Section 5.3 TERMS OF OFFICE. The board of directors shall be divided into classes such that a third of said directors shall normally be elected each year. All elected directors shall serve for terms of three (3) years. However, directors elected by the board of directors under Article V Section 5.7 of the by-laws, shall serve only until the next annual election. No director(s) shall be elected for more than two (2) consecutive terms, not including any additional period elected to fill a board vacancy per Article V. Notwithstanding any other provision outlined in these bylaws or Association policies, after a one (1) year absence, a former director will be eligible to be nominated and elected to the board.

Section 5.4 NOMINATING AND ELECTION COMMITTEE

- 5.4.1 Nominating and Election Committee.** On or before February 1 each year, the President of the board of directors shall nominate the chairman and members of the Nominating and Election Committee who shall be affirmed by majority vote of the board of directors. Members of the committee must be members in good standing of the Association. It shall be the responsibility of the committee to verify that the prospective candidates have met the requirements as set forth in the Association's bylaws and policies. The qualified candidates shall have their names placed on the ballot for election to the board of directors of the Association. Nominations shall not be accepted from the floor. The committee is responsible for organizing the election according to the policies and procedures established by the board.

Section 5.5 ELIGIBILITY OF NOMINEES. To be eligible to be a nominee for the board of directors all candidates must agree to and fulfill the following conditions:

- 5.5.1 Member Standing.** Be a regular member of the Association in good standing and have met all financial obligations to the Association as outlined in Section 2.4.2.

5.5.2 Nominating Application. Submit the completed application with the endorsement section signed by a minimum of seven (7) regular members in good standing of the Association on or before the required due date.

5.5.3 Covenants. Agree to uphold and enforce the conditions, covenants, and restrictions as outlined in the Declaration of Restrictions and the Bylaws of the Association.

5.5.4 Board Member's Manual. Each candidate for the board of directors shall accept and sign the Board of Director's Pledge of Commitment and submit the signed pledge along with their other candidacy documents to the Nominating and Election committee prior to their name being placed on the ballot.

5.5.5 Felony or Unsound Mind. Conviction of a felony or being found of unsound mind shall disqualify a regular member from becoming a candidate.

5.5.6 Same Household/Ownership Conflict. A regular member shall be disqualified from nomination if they are residing in the same household as any other person whose name appears on the deed is serving, or would be serving, on the board of directors at the same time. In the event two individuals covered by these provisions seek candidacy, one must withdraw, or the committee shall disqualify both candidates.

Section 5.6 REMOVAL FROM OFFICE. After election to the board of directors of the Association, the board shall remove a director for any of the following reasons:

5.6.1 Non-Acceptance of Office. If, within thirty (30) days after notice of their election, the newly elected board member does not accept such office either in writing or by attending a meeting of the board of directors, the newly elected board member shall be removed from the board.

5.6.2 Absenteeism. A board member absent from twenty-five percent (25%) of the regularly scheduled board meetings (3 meetings) within the twelve (12) month period beginning with the July board meeting, will have forfeited their right to serve on the board of directors and shall be mandatorily removed without vote. A successor shall be selected to fill this vacancy and serve until the next annual election according to procedures established in Section 5.7 of this Article.

5.6.3 Unsound Mind. Declaration of unsound mind by a court order.

5.6.4 Felony Conviction. Conviction of any felony.

5.6.5 Fraud, Dishonesty, or Abuse. Any member in good standing or director of the Association may petition the Court to remove from office any director in case of fraudulent or dishonest acts, or gross abuse of authority or discretion with reference to the Association, or for any other proper cause and may thereafter bar from any office any director so removed for a period prescribed by the Court. The Association shall be made party to such action.

5.6.6 Failure to Meet Financial Obligations. A board member and/or officer, following election or during their term of office, that fails to meet their financial obligations to the Association, as required by Article II, Section 2.4.2 Financial Obligations of these Bylaws, shall be removed from office. However, to afford the individual time for correcting the defect the board secretary shall immediately upon discovery notify the member in writing that an arrearage has been identified. The notification shall be by certified mail. The board member shall then have thirty (30) days from the receipt of notification to settle their obligations to the Association. Following expiration of the thirty (30) day period, the removal of the board member shall automatically become final if the obligations to the Association have not been satisfied.

Section 5.7 VACANCIES IN OFFICE. Vacancies occurring on the board of directors resulting from board removal, resignation, death, or other reasons must be filled by the remaining board members by first offering the vacated directorship to the unsuccessful candidates from the last election, beginning with the candidate who received the next highest number of votes. In the event that every unsuccessful candidate refuses the seat, the board must elect, by majority vote, an Association member who is in good standing. The person(s) so elected by the board shall serve until the next annual election, and must agree to the requirements as stated in Sections 5.5.1, 5.5.3, 5.5.4, and 5.5.5 of this Article.

5.7.1 Replacement. The replacement of a board vacancy, using the procedures outlined above in Section 5.7 of these bylaws, shall be accomplished within sixty (60) days following the effective date of the occurrence of that vacancy. In the event the vacancy occurs after April 30 it shall not be filled by the board but shall remain vacant until the new board members are confirmed at the July annual membership meeting.

ARTICLE VI OFFICERS

Section 6.1 ELECTION OF OFFICERS. The board of directors shall elect by majority vote one of their number president, one of their number vice-president, one of their number secretary, and one of their number treasurer. However, the office of secretary and treasurer may be combined if the board so designates by majority vote. An organizational meeting to elect officers shall be held within thirty (30) days following the annual membership meeting of the Association.

6.1.1 Terms of Officers. Officers shall be elected by majority vote for one (1) year terms and shall otherwise continue to serve as officers until their successors have been elected by the board of directors unless otherwise removed as a result of motion and a two-thirds (2/3rds) vote of the elected board members.

6.1.2 Officer Vacancies. Vacancies occurring among the officers of the board of directors shall be filled by the nomination of a board member from the board of directors. A majority vote of the board will be required to confirm election.

6.1.3 Records. All official records including but not limited to correspondence, reports, and plans are the property of the Association and shall

be turned over immediately to the incoming officer.

Section 6.2 DUTIES OF OFFICERS.

6.2.1 President: The president shall preside at all meetings of the board and the membership, and shall be responsible to ensure that the business of the Association is carried out in accordance with the meeting agenda, Roberts Rules of Order (Newly Revised Edition), the Declaration of Restrictions, these Bylaws, Association policies and the applicable laws of the Commonwealth of Pennsylvania.

6.2.1.1 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

6.2.2 Vice-President: The vice-president shall, in the absence or disability of the president perform all duties of the president and when so acting shall have all the powers of and be subject to the same requirements as the president.

6.2.2.1 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

6.2.3 Secretary. The secretary shall:

6.2.3.1 Minutes/Membership Lists. Keep, or cause to be kept, at the Association's administrative office or other such place as the board may order, a book of minutes of all meetings of directors and members, with the time and place of holding same, whether regular or special, and if special, how authorized, notice thereof given, the names of those members present at directors' meetings, the number of members present at member's meetings, and the proceedings thereof, and records the number of member votes cast by written ballot, or by proxy, when applicable.

6.2.3.2 Corporate Records. Keep, or cause to be kept, appropriate current records including Association policies, changes, and an accurate listing of all members of the Association that includes their addresses.

6.2.3.3 Correspondence. Keep, or cause to be kept a record of correspondence received via letter from property owners and others, and ensure that a timely reply to the correspondent is provided and that copies of the correspondence received and the correspondence sent is provided to the board of directors so that it is available to them in time for the next work session or board meeting whichever comes first.

6.2.3.4 Meeting Agenda and Notification. Give, or cause to be given, notice of all meetings of the board as required by the bylaws and develop meeting agendas with the agreement of the president.

6.2.3.5 Voter Confirmation. Annually, the secretary shall attest to the Nominating and Elections committee that provisions set forth in Article 5.1.2 and its subsections have been complied with by the identified parties and all other annual voting records of the Treasure Lake Property Owners Association are confirmed.

6.2.3.6 Proxy Votes. Cast the proxy votes at membership meetings that are received from members in good standing.

6.2.3.7 Corporate Seal. Keep the seal of the Association in safe custody

6.2.3.8 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

6.2.4 Treasurer. The treasurer shall:

6.2.4.1 Records. Keep and maintain, or cause to be kept and maintained, the books and records of the Association that shall provide adequate and correct accounts of the properties and business transactions of the Association, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, retained earnings and other items required by generally accepted accounting principles, federal, state and local laws and as further prescribed by the board and these bylaws.

6.2.4.2 Audit. An audit shall be performed each year under the direction of the treasurer and the results thereof reported to the Association membership not later than the August board of directors meeting in that same year. Such audit, books and records, excluding individual employee files unless otherwise required by law, shall be open at all reasonable times to inspection and review by any director or member in good standing.

6.2.4.3. Finance Committee Membership. The treasurer shall be a member of the Finance committee and shall not serve as committee chairperson.

6.2.4.4 Other Powers. Shall have such other powers and perform such other duties as may be hereafter prescribed by the board of directors.

Section 6.3 SIGNATURE AUTHORITY. All checks, leases, contracts and other instruments including authorization for third party, electronic single or bulk transfers, or direct deposit disbursements shall be signed in accordance with the following protocol:

1.) Principle and Discretionary Signators. The officers of the association and general manager shall be principal signators. The board of directors may, at its discretion, appoint other directors to act in the absence of the principal signators.

2.) All persons signing must have completed the necessary financial institute signature cards.

3.) All payments to members or employees of the association require two signatures. No person signing an instrument shall benefit from that disbursement.

4.) Payments to non-members and suppliers:

- a.) Under \$500.00 - one signature required
- b.) Over \$500.00 - two signatures required

5.) Inter-association account transfers to be signed by the general manager or treasurer.

Section 7.1 DEFINITIONS:

7.1.1 Operating Expenses. As set forth herein, operating expenses shall mean any recurring expenses of the Association other than the

expenses described in Subsections 7.1.2 and 7.1.3 of this section.

7.1.2 Capital Expenses. As set forth herein, capital expenses shall mean all items of expenditure for the purchase or improvement of real estate, construction, re-construction, or improvement of Association buildings and structures, and the purchase of machinery and equipment.

7.1.3 Capital Project. As set forth herein, capital project shall mean a proposal to purchase or construct a facility of the Association involving expenditures totaling more than twenty-five thousand (\$25,000) in the aggregate.

Section 7.2 BUDGETS AND BUDGET PREPARATION:

7.2.1 Expenditures. All expenditures of the Association shall be provided for in the budgets described in this section. The budgets shall consist of an operating budget and a capital budget. The board of directors shall have the duty to approve and adopt by majority vote (subject to Section 3.2.6) said budgets for each fiscal year. Further, as an adjunct to the budget process, the board of directors shall fix the amount of the annual assessment.

7.2.2 Operating Budget. Each operating cost line shall be classified within a 'cost center' and included as part of the annual operating budget in a manner approved by the board of directors consistent with generally accepted accounting principles.

7.2.2.1 Exceeding Operating Budget. Upon adoption of the operating budget by the board of directors, no cost center shall be exceeded by three percent (3%). Should this occur, the treasurer and/or manager shall report any such excesses to the board of directors for approval or adjustment. The board shall act by majority vote. Approved excesses may be transferred from another cost center.

7.2.2.2 Unexpended Funds. All unexpended funds remaining in the operating budget for any one fiscal year, at the conclusion of said year, shall be carried forward in the general fund, may be used to reduce debt, or placed in one of the reserve accounts, after being reviewed by the Finance committee, which shall make a recommendation to the board of directors for subsequent approval by the members of the association based on a majority vote and applicable Internal Revenue Service Code 70-064 or its successors.

7.2.3 Capital Budget. Each item of capital expense shall be classified as depreciable or non-depreciable and depreciated or expensed in a manner approved by majority vote of the board of directors and consistent with generally accepted accounting principles.

7.2.3.1 Exceeding Capital Budget. Any expenditure over five thousand dollars (\$5000) must first be subject to the bidding process as prescribed by the board of directors in the finance and/or administrative policies/guidelines. Once a capital budget has been approved by the board of directors, no budget line item within said budget may be exceeded at any time, unless otherwise approved by a majority vote of the board of directors.

7.2.3.2 Unexpended Funds. Unexpended funds budgeted for capital expenses, or otherwise authorized for a capital project which has been completed, shall be applied either to the reduction of debt or to a capital reserve account, after review by the Finance committee who shall make its recommendations to the board of directors for approval by majority vote.

7.2.4 Presentation, Hearings, Approvals, and Publication. The budget formulation and approval timeline shall require that the schedule of fees and charges, the operating budget and the capital budget are affirmed by the board of directors at least 10 days before the last day of March preceding the fiscal year for which they are prepared. To meet this timeline the board of directors shall hold at least two (2) work session hearings at least seven (7) days apart and prior to the Board taking Final action on the proposed schedule of fees and charges, the operating budget, and the capital budget.

1. The notice of these work session hearings shall be posted seven (7) days prior to the presentation and shall include a summary of the proposed schedule of fees and charges, the operating budget, and the capital budget. The notice shall also include the anticipated assessments to be levied upon the membership if said budgets are approved. Members in good standing in attendance at these two (2) work session hearings will be afforded the opportunity to comment on the proposed schedule of fees and charges, the operating budget, and the capital budget.
2. The schedule of fees and charges, the operating budget and the capital budget so prepared, shall be voted on individually by the board at a special meeting called for this purpose not more than 3 days after the second work session hearing
3. In the event that the proposed schedule of fees and charges, the operating budget and/or the capital budget that have been the subject of 2 work session hearings are not approved by the board through a properly conducted vote, the board shall cause to be developed an alternative schedule of fees and charges, operating budget or capital budget that shall be made available in the same manner as the originally proposed budgets except that there shall be 1 (one additional work session hearing where members in good standing in attendance will be afforded the opportunity to comment on the proposed schedule of fees and charges, the operating budget, and the capital budget. Not more than 3 days after this session at a special meeting called for this purpose the board shall vote to approve the proposed alternative(s).
4. Once approved, the general manager or treasurer shall publish the schedule of fees and charges, an outline of the operating budget and the capital budget in reasonable detail making them available in the official publication, the web site, and bulletin boards throughout the Treasure Lake community. They shall also be made available with the detailed capital and operating budgets in the Property Owners Association administrative office.

Section 7.3 FUND ACCOUNTS. A fund account may be established for a specific purpose. Once the fund has been established the funds cannot be used for any purpose other than the original intent unless approved by a majority vote of the board of directors.

Section 7.4 UNRESTRICTED CAPITAL RESERVE ACCOUNT. The unrestricted capital reserve account shall be used solely for budgeted capital expenditures. The board of directors shall have the right to borrow therefrom with an annual interest rate of five percent (5%) payable (principal and interest) by May 31 following the fiscal year in which the funds were borrowed.

ARTICLE VIII COMPENSATION, LIABILITY AND INDEMNIFICATION

Section 8.1 COMPENSATION. Officers, directors, and Association members serving on any standing or special committees shall not receive any salary, gratuity, or compensation in any other form for services rendered to the Association. However, the board of directors is hereby authorized and empowered to reimburse reasonable out-of-pocket expenses incurred on behalf of the Association upon written request and justification for such reimbursement as may be prescribed by the board. Prior approval by the President for all expenses in excess of \$250.00 is required.

Section 8.2 LIMITS ON PERSONAL LIABILITY OF DIRECTORS. A director of the Association shall not be personally liable for monetary damages as such for any action taken, or any failure to take action, unless: (a) The director has a breach or failure to perform the duties of his or her office under Section 8363 of the Director's Liability Act, Title 42 of the Pennsylvania Consolidated Statutes (relating to standard of care and justifiable reliance); (b) The breach or failure to perform constitutes self-dealing, willful misconduct or recklessness; and, (c) provided, however, that this section shall not apply to the responsibility or liability of a director pursuant to any criminal statute or liability of a director for payment of taxes under state or federal laws

Section 8.3 MANDATORY INDEMNIFICATION. The Association shall, to the fullest extent now or hereafter permitted by law, including, but not limited to, the Director's Liability Act, Title 42 of the Pennsylvania Consolidated Statutes, indemnify and make advances on behalf of any person who was or is a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal administrative or investigative (including any action by or in the right of the Association) by reason of the fact he or she is or was a director or officer of the Association, or is or was serving at the request of the Association as a director, officer, committee member, employee or agent of another association, corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding. A claim for indemnification may be denied when at a special meeting called for this purpose two-thirds (2/3rds) of the board of directors vote that the claimant has not acted in the best interest of the Association

ARTICLE IX DUES, FEES AND ASSESSMENTS

Section 9.1 DUES, FEES, AND ASSESSMENTS. The board of directors shall fix membership dues, fees, and assessments. The method and basis for determining the amount of annual dues by type of lot shall not be changed unless approved by favorable vote as stated in the Declaration of Restrictions and these bylaws.

Section 9.2 ANNUAL ASSESSMENT. The annual assessment of members for operating and capital budgets will be determined by the board of directors in accordance with Sections 3.2.6 and 7.2.1 of these bylaws.

9.2.1 Due Date. The annual assessments shall be payable by all members on or before May 1 of each year and shall be paid to the Treasure Lake Property Owners Association, Inc. The board may establish an optional payment program from time to time. Notification of any optional payment programs shall be included in the mailing of the assessment billings but no later than April 15 of each year. Failure of any property owner or UDI owner to make their installment payments on time shall place that person in default of their agreement with the Association. In that event, the remaining balance shall be immediately due and payable. Upon determination of default, the property or UDI owner shall be notified, by certified mail, that should the balance remain unpaid the property or UDI owners privileges of regular membership including but not limited to voting and the use of Association facilities shall be suspended until all due balances to the Association have been paid in full.

9.2.2 Billing. The Association shall ensure the preparation and mailing notices to the entire membership no later than April 15 of each year. Said notices shall indicate the section and lot number or UDI number, member's name, permanent address and amount due for the fiscal year and all unpaid prior balances. All such amounts shall become due and payable on the first day of May of each year.

Section 9.3 SPECIAL ASSESSMENTS. Special assessments to meet unbudgeted operating or capital expenses may be required, will be computed as an equal percentage of the annual assessment for each membership classification, and will be subject to the following:

9.3.1 Public Hearings. The board of directors shall hold a minimum of two (2) public hearings at least seven (7) days apart, with the last occurring at least seven (7) days prior to the board taking final action. The notice for these hearings shall be posted seven (7) days in advance of such meeting and shall include a summary of the proposed budget plus the anticipated special assessment to be levied upon the membership if said budget is approved.

9.3.2 Approval. A special assessment shall only be approved by a minimum of two-thirds (2/3rds) of the elected directors voting in the affirmative.

ARTICLE X AMENDMENTS

Section 10.1 AMENDMENTS. The Bylaws of the Association may be amended in the manner prescribed below.

10.1.1 Resolution for Bylaw Amendment. A resolution for amendment of these bylaws may be proposed by petition signed by at least 10% of the voting members in good standing, or by the recommendation of at least two-thirds (2/3rds) of the elected members of the board of directors at a special meeting of said board to be called for that purpose only; provided, however, that the purpose of this meeting has been clearly stated in the call for the meeting. However, no amendment

shall be considered for adoption by the membership of the Association if, after consultation and review by the board the proposed amendment is determined to be inconsistent with the Declaration of Restrictions, these bylaws or with Pennsylvania law. Such allegation of inconsistency must be documented in writing.

Section 10.2 ADOPTION OF AMENDMENTS. Amendments to these bylaws may be adopted only upon the affirmative vote of two-thirds (2/3) of the votes cast by eligible voters, in person or by proxy, at any special, or annual membership meeting, a quorum being present; provided, written notice of such meeting for the purpose of amending the Bylaws, along with a copy of the proposed amendment is mailed to each member not less than thirty (30) days prior to the date set for such meeting. Such notice shall include the reason to vote for or vote against the proposed amendment.

Section 10.3 SECONDARY AMENDMENTS. At any annual or special meeting of the Association membership called to consider amendment of these bylaws, proper written notice having been given, no second degree amendments to the proposed original amendatory language may be recognized from the floor.

Section 10.4 MOTIONS TO MODIFY. Any and all additional proposals for further amendment must be submitted to the board within ten (10) days of the time and date set for the annual or special meeting. Thereafter, the Board of Directors of the Treasure Lake Property Owners Association will make a determination by majority vote as to whether, and in what form, such secondary amendatory language will be submitted to the membership.

Section 10.5 EFFECTIVE DATE OF AMENDMENTS. All such actions shall become effective on the first day of the month following the month in which such approval took place.

ARTICLE XI COMMITTEES

Section 11.1 ESTABLISHMENT OF COMMITTEES. The board of directors may propose to establish such committees, as it determines to be essential to the fulfillment of Association programs and objectives following established provisions for this purpose. The following and any future standing committees shall consist of not less than three (3) members who shall serve at the pleasure of the board. The membership of all standing committees shall be approved by a majority vote of the board of directors. At no time, the Appeals Panel excepted, shall board members comprise the majority membership of any committee. The president shall not chair, or be a voting member of any committee.

11.1.1 Chairperson. The chairperson of all standing and special committees shall be nominated by the president and confirmed by a majority vote of the board. Only members in good standing, as defined in Article II Section 2.4 shall be eligible.

11.1.2 Committee Members. The chairperson of each committee shall propose the membership and submit the proposed membership names for approval by the board. Only members in good standing, as defined in Article II Section 2.4 shall be eligible. An employee of the Association may not be assigned to or be a member of a committee in other than an advisory or support non-voting role. Committees, at their discretion, may have advisory members that shall not vote. The president shall be ex-officio, non-voting member of all committees and whose presence shall not count towards a quorum being present. Except those sessions dealing with personnel items, legal issues, potential real estate transactions or other items deemed to be of a confidential nature committee meetings may be attended by any Treasure Lake Property Owners Association member and it is also recognized that from time to time non-members may also have need to attend these committee meetings.

Section 11.2 STANDING COMMITTEES. The following standing committees are established by these bylaws. The committees shall have the authority to administer the activities of the Association within the general scope of their assigned responsibilities, as hereinafter defined. This includes, making recommendations to the board of directors with regard to changes and additions to the Association's administrative policies, codes, and procedures; to analyze and conduct studies as necessary; and to propose operating and capital expense items for inclusion in the annual budget of the Association. Such committees shall not, by their conduct, operate in a manner as to relieve the Board of any authority or responsibility granted specifically to it by the Declaration of Restrictions, these bylaws, or by civil law.

11.2.1 Property Control. This committee derives its powers from the Declaration of Restrictions Sections 5 through 8 and is responsible for their compliance.

11.2.1.1 Plans and Specifications. It shall be the responsibility of this committee to review all plans and specifications for any structures or improvements thereto on any lot or lots, and, upon approval thereof, to issue an appropriate permit to the property owner(s) in good standing for the construction, improvement, installation, remodeling, reconstruction, additions or alterations thereto. Decisions of the committee in these matters, as stated in Article 5.E of the Declaration of Restrictions, are final and not subject to appeal or review.

11.2.1.2 Enforcement. The committee shall also monitor the prohibitions and requirements pertaining to the use and activities conducted on any lot or lots within the Treasure Lake subdivision, as defined in Article 8.A.a through t. of the Declaration of Restrictions, and to take such steps as necessary to bring to the attention of the owner of the property the nature of the violation and to issue citations as appropriate after the normally prescribed notification and remediation effort has failed.

11.2.2 Finance Committee. The Finance Committee shall conduct the preliminary review and make recommendations to the Board concerning the annual operating and capital budgets of the Association that are developed by the General Manager. It shall also monitor monthly fiscal performance, prepare, and recommend to the Board of Directors budget changes or amendments and supplemental budget requirements as may be deemed in the best interest of the Association. It shall also monitor Association budget and accounting procedures and recommend such changes as necessary to ensure compliance with standard practices consistent with the Association's financial position and anticipated operating requirements. The Committee may also recommend to the Board the use of funds for investment or savings and shall monitor preparation of the annual report of budget and financial status and acting in consort with the Treasurer, verify that recommendations resulting from the annual financial audit of the Association are being accomplished. The Treasurer shall be the board liaison to the Committee.

11.2.3 Judicial Committee. The Judicial Committee shall not have members who are also members of either the Property Control or Security Committees or who are Association employees assigned to the Property Control or Security Departments. The Judicial Committee reviews the facts of cases referred to it by the Property Control Committee and/or Security Department when a defendant has

requested a hearing using established criteria for this purpose involving a citation issued by a property control officer or security officer. This may involve infractions and/or violations of the provisions of the Declaration of Restrictions, as well as the enforcement of Treasure Lake Property Control and/or Security and Safety Policies established to protect residents of the community, their property, and their welfare. The committee, under this provision, is granted the authority to act on behalf of the board to impose established penalties and costs resulting from convictions of such violations after a duly constituted hearing based on the defendants request and a plea of "not guilty". The cited individual or property owner(s) pleading not guilty may request a Judicial Committee hearing for purposes of adjudicating their claim.

11.2.3.1 Judicial Procedure. Each person or persons whose citation(s) has been referred for hearing to the Judicial Committee by either Property Control or Security shall have the right to appeal the decision rendered by the Judicial Committee and shall be so advised at the time of the hearing.

11.2.3.2 Appeals Process. The appeal process shall be administered by a three (3) member panel made up of three (3) board members none of whom shall be members of the Property Control, Security, or Judicial Committees. The president shall nominate the members of the 'appeals panel' and they shall be confirmed by a majority vote of the board of directors. Procedures and justification for initiating an appeal is outlined in the Judicial Appeal Process contained in the Administrative Policies. All decisions of the panel are final and shall not be subject to further appeal.

11.2.4 Safety and Security. The Safety and Security Committee shall monitor and make recommendations to ensure that policies and procedures address the maintenance and enforcement of safety and security activities throughout the community.

11.2.5 Recreation. The Recreation Committee shall plan and make recommendations to the board for the implementation and operation of recreational programs for the Treasure Lake community.

11.2.6 Cayman Landing. The Cayman Landing Committee shall review and monitor the operation of the campground and make recommendations to the board to enhance its use, maintenance, and overall recreational and campground atmosphere.

11.2.7 House. The House Committee shall monitor the physical appearance and general operations of the food and beverage establishments within Treasure Lake and make recommendations for improvement and enhancements.

11.2.8 Golf. The Golf Committee shall review the operation of the Silver and Gold golf courses and make recommendations to the board for the enhancement, use, and maintenance of these courses and their peripheral facilities.

11.2.9 Infrastructure and Maintenance Committee. The Infrastructure and Maintenance Committee is responsible for advising the board of directors on matters relating to the preservation and construction of structures, roads, and amenities.

11.2.10 Nominating and Elections Committee. The Nominating and Elections Committee is responsible to ensure that the Association's bylaws and policies are complied with in regard to verifying that prospective candidates for election to the board of directors meet established requirements and that voting procedures for the casting of ballots by association members for the election of candidates to the board of directors are adhered to.

11.2.11 Appeals Panel. The Appeals Panel is responsible for administering the appeals process with regard to cases appealed to it by a defendant based on a decision reached by the Judicial committee. Decisions of the panel are final and not subject to further appeal.

Section 11.3 SPECIAL COMMITTEES. Special committees may be established by majority vote of the board of directors from time to time, as it deems necessary. The duties, authority, and membership of such committees shall accordingly be defined by the board, in keeping with Article II, Section 2.4. However, in no event shall such committees be delegated authority to participate in the management of the Association. Upon fulfillment of its assigned objectives each committee shall cease to exist unless it is dissolved earlier by a majority vote of the board.

ARTICLE XII GENERAL MANAGER

Section 12.1 GENERAL MANAGER. The board of directors may hire a general manager and delegate to that employee authority to perform day-to-day management of the Association as set forth in Section 3.1.3. The general manager (hereinafter referred to as "manager") may hire those employees within established budgetary limits to perform those functions necessary to operate the Association on behalf of its members.

12.1.1 Chief Operating and Administrative Officer. The manager shall function as the chief operating and administrative officer of the Association and shall be responsible to the board of directors for the execution of the policies and decisions of the board of directors. The manager shall not be a member of the board of directors.

Section 12.2 EMPLOYMENT AGREEMENT. The manager's employment contract shall specify the term, salary, severance and other pertinent considerations and shall be reviewed by the Association's legal counsel and all board members shall be given a copy of his written response prior to the execution of the agreement.

12.2.1 Search Committee. When a vacancy occurs the president with the approval of a majority vote of the board shall appoint a Search committee to identify candidates for the open general manager's position. The board shall provide the Search committee with the necessary information to conduct the search including a job description, salary range, benefit package, and other pertinent information required to identify suitable candidates. The board shall also establish an interview process for the initial contact by the Search committee and any subsequent interviews by the board.

Section 12.3 ILLNESS OR ABSENCE. The manager, with the president's approval, may designate a qualified administrative employee of the Association to perform the manager's duties during a temporary absence or disability. In the event of failure to make such designation, or if the absence or disability continues more than thirty (30) days, the president may appoint an employee of the Association to perform the duties of the manager during such absence or disability until the manager's return or the disability ceases.

Section 12.4 SPECIFIC DUTIES. The manager shall:

- 12.4.1 Administration.** Ensure consistency in the oversight and application of rules, regulations, and policies promulgated by the board of directors and outlined in these bylaws and the Declaration of Restrictions.
- 12.4.2 Association Employees.** Appoint and/or remove subordinate employees under procedures established by the board.
- 12.4.3 Contracts.** Negotiate contracts and agreements for the delivery of supplies or services for the community, subject to the approval of the board, and make recommendations concerning the nature and location of community improvements and ensure the delivery and/or operation of community improvements as set forth by the board.
- 12.4.4 Enforcement.** Ensure that all policies, terms, and conditions imposed in favor of the Association or its inhabitants in any statute, public utility franchise, or other contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the board.
- 12.4.5 Board Meetings.** Assist the board secretary in the preparation of meeting agendas for and attend all meetings of the board, with the right to take part in the discussions, but without the right to vote.
- 12.4.6 Policy Formulation.** Make such recommendations to the board concerning policy formulation as deemed necessary and keep the board and the Association membership informed as to the conduct of Association affairs.
- 12.4.7 Budgets.** Prepare and submit the annual operating and capital budgets to the board, with explanatory comments and administer the board approved budget.
- 12.4.8 Other Duties.** Perform such other duties as may be required of the manager by resolution of the board.

APPENDIX 'A'
GLOSSARY OF TERMS

- Affiliated Organization.** An organization whose membership is comprised of Treasure Lake property owners whose purpose, structure, and requirements for membership have been determined by the board to be consistent with the well-being and best interests of the Treasure Lake community.
- Amenities:** Properties owned, leased, or otherwise acquired by the Treasure Lake Property Owner's Association for recreational and other purposes
- Annual Assessment.** A charge or charges imposed annually upon all Treasure Lake property owners by the Association.
- Asset:** Anything on the Association's books considered to have a positive monetary value
- Association Policies.** A set of rules, in some cases ordinances, established by the board under Section 3 2.2 of these bylaws for the conduct of Association members and guests to Treasure Lake
- Common Property.** Real property owned by the Association and which lands are maintained by the Association for the benefit of Association members
- Day.** Unless stated otherwise, reference to days means calendar days.
- Deed of Trust.** A legal document recognized by the County of Clearfield as well as the State of Pennsylvania as an instrument evidencing the conveyance of ownership of real property and attendant property rights from one individual to another.
- Default.** The failure of a property owner to meet monetary obligations imposed by the Association, such as annual assessments, fines, and other monetary penalties, as well as failure to adhere to Association legal documents, such as the Declaration of Restrictions, Bylaws, and Association policies.
- Disclosure.** The full revelation to the Association of any financial and/or business interest in any companies, businesses, or parties, which are known to be transacting business with the Treasure Lake Property Owners Association.
- Elected Board Member.** Means the nine (9) directors specified in these bylaws as constituting the membership of the board of directors whether elected by the general membership or selected to fill a directorship as the result of a board vacancy.
- Executive Meetings.** Meetings from which the public, i.e., general membership, is excluded although the Association may invite or admit those persons necessary to carry out the purposes for which the meetings are called.
- Majority vote.** A roll call vote in the affirmative of a majority of the directors present when there is a quorum for business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last. A roll call is not required for purposes of voting to adjourn a meeting or work session.
- Term of Office.** That period of time for which a director is elected or appointed to serve.
- Two-thirds (2/3rd) vote.** A roll call vote in the affirmative of the elected directors when there are not less than 6 directors present for that particular business to be conducted. The president, for the purposes cited herein may vote, however; they shall vote last.

Approved by the General Membership July 2, 2005; Revisions Approved by the General Membership July 7, 2007

Treasure Lake Property Owners Association, Inc.

MANUAL: ADMINISTRATION

POLICY NO.: A-45

SUBJECT: Production of Board of Directors' Minutes

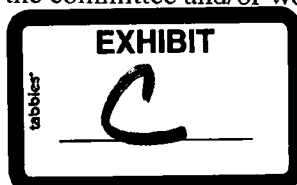
PAGE: 1 of 2

DATE ORIGINALLY ADOPTED BY B.O.D.: 11-07-05

DATE(S) REVISION(S) APPROVED BY B.O.D.: 1-2-06

This policy, adopted or revised on the date indicated, by the Treasure Lake Property Owners Association, Inc. Board of Directors stipulate that these principles apply to formal meetings, work sessions and membership meetings with regard to the preparation and dissemination of minutes. As such the minutes of the aforementioned proceedings will be generally prepared as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapter XV and Chapter XVI: Further, the Secretary of the Board of Directors, as set forth in Article 6.2.3 of the Association's Bylaws, shall assure adherence to the general provisions outlined.

- 1.) All meetings shall be tape recorded. The tapes shall be available to interested parties (e.g. property owners and other designees of the board) for reference purposes after the draft written minutes have been produced. To listen to the tape recording interested parties must provide reasonable notice and shall be accompanied by a board member or management representative in the POA Administrative office. The tapes shall be retained for 60 days after minute approval and then destroyed. The minutes when approved constitute the "record" of proceedings and take precedence over the tapes in case of conflict. Any residual earlier tapes to be erased as well.
- 2.) The recording secretary shall be present at the meeting(s) and shall produce the minutes using notes taken and the tapes.
- 3.) Draft board of directors' meeting minutes shall be distributed to the board of directors 10 days after the meeting. Membership meeting minutes shall be mailed to the board of directors' within 30 days. Note: Minutes are not an official record until approved. Corrections to the minutes should be made by individuals who are misquoted, etc. in advance of the approval meeting date by contacting the board of directors' secretary, preferably in writing. The note of request for change will be included in the B.O.D. packet.
- 4.) Minutes to be prepared for dissemination require, as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapters XV and XVI that all reports (e.g. president, treasurer, general manager, committees and working groups) be included in the text of the minutes or notation of attachment thereof indicated as part of the applicable subject heading. The report may be written and submitted for the record. When not written, the report may be summarized from the tape recording. With regard to the recording of minutes or reports from committees and/or working groups, the minutes of the board of directors' meetings shall include only recommendations and/or significant issues presented by the committee and/or working group.



MANUAL: ADMINISTRATION
POLICY NO.: A-45

Page 2 of 2

- 5.) At the next regular meeting the minutes will be submitted for approval. Once approved they constitute the official record of the association. The TLPOA Board of Directors' Secretary signs and dates the minutes to indicate approval. Disputes must be registered within seven days of the receipt of the draft minutes.
- 6.) Minutes must contain as a minimum:
- a. Record of directors present (members for membership meetings).
 - b. All motions passed including voting results. Motions to be recorded verbatim and in bold type.
 - c. Copies of reports read or submitted shall be referenced.
 - d. Where property owners make comments, the name, section, lot number, and the question are to be recorded by topic in short form not verbatim. Replies when given shall be recorded similarly in short form

End of Policy

Authenticated By:

Signature of Secretary, TLPOA Board of Directors

Date

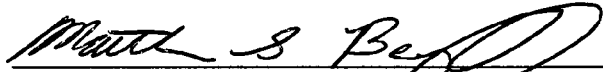
Signature of President, TLPOA Board of Directors

Date

VERIFICATION

I, MATTHEW S. BEGLEY, General Manager of TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC., being duly authorized to make this Verification, have read the foregoing Answer and New Matter to Complaint - Equity. The statements therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

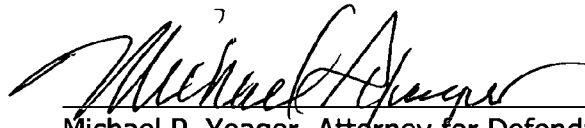
A handwritten signature in black ink, appearing to read "Matt S Begley", is written over a horizontal line.

Matthew S. Begley, General Manager
Treasure Lake Property Owners
Association, Inc.

Date: October 31, 2007

CERTIFICATE OF SERVICE

On October 31, 2007 I delivered a copy of the Answer and New Matter to Complaint-Equity in the above-captioned matter to James A. Naddeo, Esquire, NADDEO & LEWIS, 207 E. Market Street, Clearfield, PA 16830. Said forwarding was by hand delivery.



Michael P. Yeager, Attorney for Defendant
Treasure Lake Property Owners Association,
Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103352
NO: 07-1728-CD
SERVICE # 1 OF 1
PETITION; ORDER; COMPLAINT IN EQUITY;

BOND

PLAINTIFF: CHERYL A. GRAY, An Indiv.

vs.

DEFENDANT: TREASURE LAKE PROPERTY OWNERS ASSOCIATION INCORPORATED A non profit corp.

SHERIFF RETURN

NOW, October 29, 2007 AT 1:43 PM SERVED THE WITHIN PETITION; ORDER; COMPLAINT IN EQUITY; BOND ON TREASURE LAKE PROPERTY OWNERS ASSOCIATION INCORPORATED, A nonprofit corp. DEFENDANT AT 13 TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHERLENE LUTZ, SECRETARY/EX. ASST. A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION; ORDER; COMPLAINT IN EQUITY; BOND AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

⁵
FILED
OCT 31 2007
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	831	10.00
SHERIFF HAWKINS	NADDEO	831	36.84

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,

Chester A. Hawkins
by Marilyn Harris
Chester A. Hawkins
Sheriff

4

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728 -CD

Type of Pleading:

ORDER

Filed on behalf of:
Plaintiff/Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: October 24, 2007

FILED

OCT 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

4

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

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No. 2007- -CD

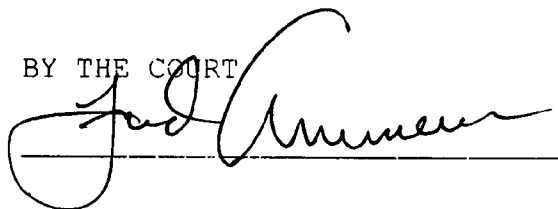
ORDER

AND NOW, this 26th day of October, 2007, upon consideration of the verified Counterclaim in equity in this action and the accompanying Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, pursuant to Pa.R.C.P. 1531 and plaintiff having filed a bond as required under Rule 1531(b)(1) it is hereby ORDERED that:

a) Defendant is enjoined from destroying the taped minutes of a board meeting held on August 27, 2007.

This injunction is granted without notice to the defendant, a hearing on the continuance of this injunction shall be held not more than five days after the date of this Order. Said hearing shall be on the 31st day of October, 2007 at 2:00 o'clock P. M. in Courtroom Number 1, in Clearfield County, Pennsylvania.

BY THE COURT



FILED

OCT 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/26/07

☒ You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

PETITION FOR TEMPORARY
RESTRAINING ORDER AND
EX-PARTE PRELIMINARY
INJUNCTIVE RELIEF

Filed on behalf of:
Plaintiff/Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: October 24, 2007

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FILED 3cc
OCT 24 2007
Wm A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

32

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an	*		
individual,	*		
Petitioner,	*		
	*		
vs.	*	No. 2007-	-CD
	*		
TREASURE LAKE PROPERTY	*		
OWNERS ASSOCIATION	*		
INCORPORATED, a nonprofit	*		
corporation,	*		
Respondent.	*		

PETITION FOR TEMPORARY RESTRAINING ORDER AND EX-PARTE
PRELIMINARY INJUNCTIVE RELIEF

Petitioner/Plaintiff, Cheryl A. Gray, by and through her attorney, James A. Naddeo, Esq., petitions this Court for the issuance of a preliminary injunction pursuant to Pa.R.C.P. 1531, and in support allege as follows:

1. Petitioner/Plaintiff, Cheryl A. Gray, filed a verified Complaint in equity with the Prothonotary of this Court on October 24, 2007. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

2. As set forth in the complaint defendant has prevented and refuses to permit Plaintiff to copy records, in particular taped minutes of a board meeting held on August 27, 2007.

3. As set forth in the complaint defendant intends to destroy the taped minutes of which plaintiff has a statutory right to make a copy.

4. Plaintiff has brought her complaint, and seeks this temporary restraining order and preliminary injunction, on its own behalf against Respondent/Defendant, Treasure Lake Property Owners Association, Incorporated (hereinafter "Treasure Lake POA", to enjoin this entity's continuing acts which violate Petitioner/Plaintiff's rights as a member of the Treasure Lake POA.

5. That Petitioner/Plaintiff will suffer immediate and irreparable harm if a temporary restraining order and injunction are not granted as the taped minutes which plaintiff has a right to copy will be destroyed and are irreplaceable as this is the only recording of said proceedings.

6. That Petitioner is likely to succeed on the merits of her claim. Several statutory provisions afford plaintiff as a member of the Treasure Lake POA to make copies of records of proceedings. See 15 Pa.C.S. § 5508. Respondent is violating the rights of Petitioner by its actions, and Petitioner will be entitled upon final hearing to a permanent injunction against the violations by Respondent.

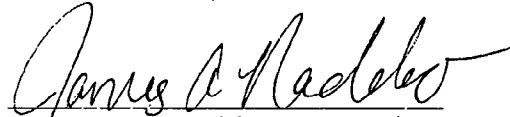
7. That little or no harm shall come to Defendant/Respondent by the granting of this restraining order and injunction as the granting of such shall only require that Defendant/Respondent not destroy or dispose of records of the

Treasure Lake POA, in particular the taped minutes of the board meeting held on August 27, 2007.

WHEREFORE, Petitioner/Plaintiff, Cheryl A. Gray, requests that this Court issue an Order temporarily restraining Defendant/Respondent, Treasure Lake Property Owners Association and grant a preliminary injunction based upon the facts set forth in the Complaint and this Petition.

NADDEO & LEWIS, LLC

By

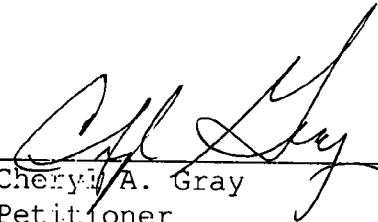
A handwritten signature in cursive script, appearing to read "James A. Naddeo", written over a horizontal line.

James A. Naddeo, Esquire
Attorney for Plaintiff

V E R I F I C A T I O N

I, Cheryl A. Gray, Petitioner, verify that the statements made in the foregoing Petition are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:


Cheryl A. Gray
Petitioner

Dated:

10/10/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007- -CD

Type of Pleading:

COMPLAINT - EQUITY ACTION

Filed on behalf of:
Plaintiff/Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&
Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: October 24, 2007

Exhibit "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Plaintiff,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Defendant.

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No. 2007- -CD

COMPLAINT - EQUITY ACTION

NOW COMES the Plaintiff, Cheryl A. Gray, and by her attorney sets forth as follows:

1. That Plaintiff is Cheryl A. Gray, an adult individual, who resides at 461 Treasure Lake, DuBois, Pennsylvania 15801.
2. That Defendant is Treasure Lake Property Owners Association, Inc., a nonprofit corporation, having its principal place of business at 13 Treasure Lake, DuBois, Pennsylvania 15801.
3. That at all times alleged herein, defendant was engaged in and provided essential government services and functions to its community.
4. That at all times alleged herein, plaintiff was an active member of Treasure Lake Property Owners Association, Inc. (hereinafter "Treasure Lake POA").

5. That plaintiff requested she be afforded the opportunity to review and copy the taped minutes from a Treasure Lake POA board meeting held on August 27, 2007. A true and correct copy of request submitted with a statement of plaintiff's purpose by affidavit is attached hereto as Exhibit "A."

6. That defendant has denied plaintiff the right to copy the taped minutes as is evidenced by its letter of October 23, 2007. A true and correct copy of which is attached hereto as Exhibit "B"

7. That defendant's actions are in contradiction with the laws of this Commonwealth, in particular the Associations Code (specifically 15 Pa. C.S. § 5508) which affords a member the right to make copies and extract therefrom the records of member proceedings.

8. That plaintiff has demanded defendant provide or allow plaintiff to make a copy of taped minutes at her own expense to no avail and has informed defendant of the statutes to which defendant's actions and policies are in direct contradiction.

9. That pursuant to defendant's policy as attached hereto as part of Exhibit B, the same taped minutes will in the regular course of business be destroyed by the Treasure Lake POA.

10. That plaintiff has no adequate remedy at law.

WHEREFORE, the Plaintiff, Cheryl A. Gray, prays for relief from Defendant's actions and the entry of an order preliminarily, and after final hearing, permanently:

- a. Enjoining and restraining the defendant from destroying or tampering with any records of the Treasure Lake POA and in particular from destroying or tampering with the taped minutes of the board meeting held on August 27, 2007;
- b. Directing the defendant to permit plaintiff to make a copy of the taped minutes of the board meeting held on August 27, 2007;
- c. Directing the defendant to permit plaintiff to make a copy of any other records which as a member of the Treasure Lake POA plaintiff would have a statutory right to copy;
- d. Declaring Policy No. A-45 of the Treasure Lake POA void and in direct contradiction with the laws of this Commonwealth;
- e. Enjoining the defendant from enforcing or continuing to proceed under Treasure Lake POA Policy No. A-45 as it is in direct contradiction with the laws of this Commonwealth;
- f. Awarding plaintiff counsel fees costs and expenses;
- g. Awarding damages as the Court deems just and proper; and

h. Granting any other relief as the Court deems just and proper.

COUNT II - COUNSEL FEES

11. Plaintiff hereby incorporates by reference paragraphs one through ten above as if the same were fully set forth herein at length.

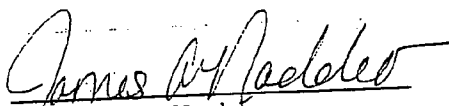
12. Defendant is aware of the statute which affords plaintiff as a member of the Treasure Lake POA the right to copy records of proceedings of the members (15 Pa.C.S. § 5508) and has denied plaintiff the opportunity to do the same in bad faith.

13. Plaintiff has been required to retain counsel at \$150.00 per hour, which is a reasonable fee.

14. Pursuant to 42 Pa.C.S. § 2503 plaintiff is entitled to reasonable counsel fees and expenses incurred to defend against defendant's refusal to release statutorily enforced right to corporate data and records.

WHEREFORE, the Plaintiff, Cheryl A. Gray, prays for relief and that judgment be entered in her favor and against the defendant with costs and interests thereon.

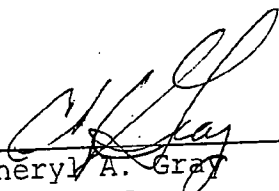
NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiff

V E R I F I C A T I O N

I, Cheryl A. Gray, Plaintiff, verify that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By: _____


Cheryl A. Gray
Plaintiff

Dated: _____

10/10/07

NADDEO & LEWIS, LLC
ATTORNEYS AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

JAMES A. NADDEO
LINDA C. LEWIS
Trudy G. Lumadue

(814) 765-1601
FAX: (814) 765-8142
naddeolaw@atlanticbnn.net

October 10, 2007

Treasure Lake Property Owners Association
13 Treasure Lake
DuBois, PA 15801

RE: Request for inspection and copying of records

Gentlemen:

This shall serve as my client's official request to inspect and copy the corporate records of Treasure Lake Property Owners Association with the purpose for this request being stated under oath. Please see attached statement and request by Cheryl A. Gray.

Sincerely,



James A. Naddeo

JAN/tgl

Enclosure

Exhibit "A"

TO: Treasure Lake Property Owners Association
13 Treasure Lake
DuBois, PA 15801

I, Cheryl A. Gray, am a member of the Treasure Lake Property Owners Association. I am this 10th day of October, 2007, requesting permission to inspect and copy records of the Treasure Lake Property Owners Association. In particular, I am requesting permission to copy the taped minutes from Board meeting held on August 27, 2007. I am requesting to inspect and copy these records for the purpose of documenting statements made by Michael J. Nedzinski at a public meeting held on August 27, 2007 for the purpose of investigating possible removal of said director pursuant to the Bylaws of Treasure Lake Property Owners Association, Inc., Section 5.6.5 and for the purpose of investigating the procedure for block-voting by members of the association owning timeshares.


Cheryl A. Gray

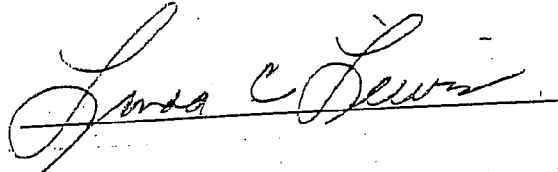
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

ss.

Before me, the undersigned officer, personally
appeared Cheryl A. Gray, who being duly sworn according to
law, deposes and states that the above statements are true

and correct to the best of her knowledge, information and belief.

SWORN and SUBSCRIBED before me this 10th day of October, 2007.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2011

OCT 24 2007

Law Office
MICHAEL P. YEAGER
P. O. Box 752
110 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-9811
FAX (814) 765-9503

October 23, 2007

HAND DELIVERED

James A. Naddeo, Esquire
NADDEO & LEWIS, LLC
P.O. Box 552
Clearfield, PA 16830

Re: Cheryl A. Gray Audio Tape Request
My File No. Y-302.86

Dear Jim:

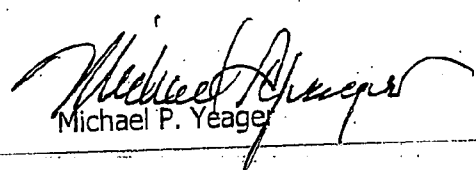
As noted by phone on October 22, 2007, the Board of Directors at the Treasure Lake Property Owners Association ("TLPOA") discussed the above-captioned request by Cheryl Gray to copy the audio tape of the August 27, 2007 meeting of the Board. I am informed that the TLPOA will continue to abide by Policy A-45 ("Policy") of the TLPOA., a copy of which is enclosed.

Accordingly, you will note that the Policy indicates that Ms. Gray is entitled to listen to the tape (and presumably to make notes). However, the Policy does not authorize copies of the tape to be made and further notes that the tape will be destroyed at a point 60 days subsequent to the time that the Minutes for the August 27, 2007 meeting were approved on September 24, 2007.

I believe Ms. Gray has already been advised as to her rights pursuant to this Policy. If she wishes to avail herself of the same, she needs to provide notice as noted in the Policy and will otherwise need to be accompanied by a Board member or management representative in order to listen to the tape.

Should you otherwise wish to discuss this matter or should you have any questions or comments, please feel free to call at any time.

Very truly yours,


Michael P. Yeager

MPY/ljs
Enclosure

pc: TLPOA Board of Directors
Matthew S. Begley, Manager, TLPOA

Exhibit "B"

Treasure Lake Property Owners Association, Inc.

MANUAL: ADMINISTRATION

POLICY NO.: A-45

SUBJECT: Production of Board of Directors' Minutes

PAGE: 1 of 2

DATE ORIGINALLY ADOPTED BY B.O.D.: 11-07-05

DATE(S) REVISION(S) APPROVED BY B.O.D.: 1-2-06

This policy, adopted or revised on the date indicated, by the Treasure Lake Property Owners Association, Inc. Board of Directors stipulate that these principles apply to formal meetings, work sessions and membership meetings with regard to the preparation and dissemination of minutes. As such the minutes of the aforementioned proceedings will be generally prepared as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapter XV and Chapter XVI. Further, the Secretary of the Board of Directors, as set forth in Article 6.2.3 of the Association's Bylaws, shall assure adherence to the general provisions outlined.

- 1.) All meetings shall be tape recorded. The tapes shall be available to interested parties (e.g. property owners and other designees of the board) for reference purposes after the draft written minutes have been produced. To listen to the tape recording interested parties must provide reasonable notice and shall be accompanied by a board member or management representative in the POA Administrative office. The tapes shall be retained for 60 days after minute approval and then destroyed. The minutes when approved constitute the "record" of proceedings and take precedence over the tapes in case of conflict. Any residual earlier tapes to be erased as well.
- 2.) The recording secretary shall be present at the meeting(s) and shall produce the minutes using notes taken and the tapes.
- 3.) Draft board of directors' meeting minutes shall be distributed to the board of directors 10 days after the meeting. Membership meeting minutes shall be mailed to the board of directors' within 30 days. Note: Minutes are not an official record until approved. Corrections to the minutes should be made by individuals who are misquoted, etc. in advance of the approval meeting date by contacting the board of directors' secretary, preferably in writing. The note of request for change will be included in the B.O.D. packet.
- 4.) Minutes to be prepared for dissemination require, as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapters XV and XVI that all reports (e.g. president, treasurer, general manager, committees and working groups) be included in the text of the minutes or notation of attachment thereof indicated as part of the applicable subject heading. ~~The report may be written and~~ submitted for the record. When not written, the report may be summarized from the tape recording. With regard to the recording of minutes or reports from committees and/or working groups, the minutes of the board of directors' meetings shall include only recommendations and/or significant issues presented by the committee and/or working group.

MANUAL: ADMINISTRATION
POLICY NO.: A-45

- 5.) At the next regular meeting the minutes will be submitted for approval. Once approved they constitute the official record of the association. The TLPOA Board of Directors' Secretary signs and dates the minutes to indicate approval. Disputes must be registered within seven days of the receipt of the draft minutes.
- 6.) Minutes must contain as a minimum:
- a. Record of directors present (members for membership meetings).
 - b. All motions passed including voting results. Motions to be recorded verbatim and in bold type.
 - c. Copies of reports read or submitted shall be referenced.
 - d. Where property owners make comments, the name, section, lot number, and the question are to be recorded by topic in short form not verbatim. Replies when given shall be recorded similarly in short form

End of Policy

Authenticated By:

Signature of Secretary, TLPOA Board of Directors

Date

Signature of President, TLPOA Board of Directors

Date

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

BOND

Filed on behalf of:
Plaintiff/Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: October 24, 2007

5
LM FILED 30C
OCT 24 2007 Amy Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an	*	
individual,	*	
Petitioner,	*	
	*	
vs.	*	No. 2007- -CD
	*	
TREASURE LAKE PROPERTY	*	
OWNERS ASSOCIATION	*	
INCORPORATED, a nonprofit	*	
corporation,	*	
Respondent.	*	

BOND

KNOW ALL MEN BY THESE PRESENTS, THAT, CHERYL A. GRAY, the Plaintiff is held and firmly bound unto the Commonwealth of Pennsylvania in the sum of \$ 1000.- ~~1000~~, to be paid to the Commonwealth of Pennsylvania; to which payment, well and truly to be made, it binds itself, it and each of its heirs, executors and administrators, firmly by these presents.

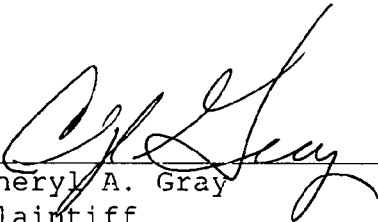
Sealed with our seals.

Dated the 24th day of October, 2007.

WHEREAS, the Plaintiff filed a Complaint in Equity in the Court of Common Pleas for the County of Clearfield, to No. 07-17280D, against, Treasure Lake Property Owners Association, Incorporated, Defendant, requesting *inter alia*, an injunction to restrain the Defendant as therein particularly set forth, which said injunction was duly granted by the said Court on the entering of the security in the above-mentioned sum.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, THAT if the injunction is dissolved because improperly granted, or for failure to hold a hearing, the Plaintiff shall pay to any person injured all damages sustained by reason of granting the injunction and all legally taxable costs and fees, this

obligation then to be void; otherwise it is to remain in full force and effect.


Cheryl A. Gray
Plaintiff

Approved By:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an
individual,
Petitioner,

vs.

TREASURE LAKE PROPERTY
OWNERS ASSOCIATION
INCORPORATED, a nonprofit
corporation,
Respondent.

No. 2007-1728-CD

Type of Pleading:

COMPLAINT - EQUITY ACTION

Filed on behalf of:
Plaintiff/Petitioner

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

&

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC.
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: October 24, 2007

5
LM FILED
01230/01
OCT 24 2007
Atty pd. 85.00
3 cc Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHERYL A. GRAY, an	*		
individual,	*		
Plaintiff,	*		
	*		
vs.	*	No. 2007-	-CD
	*		
TREASURE LAKE PROPERTY	*		
OWNERS ASSOCIATION	*		
INCORPORATED, a nonprofit	*		
corporation,	*		
Defendant.	*		

COMPLAINT - EQUITY ACTION

NOW COMES the Plaintiff, Cheryl A. Gray, and by her attorney sets forth as follows:

1. That Plaintiff is Cheryl A. Gray, an adult individual, who resides at 461 Treasure Lake, DuBois, Pennsylvania 15801.

2. That Defendant is Treasure Lake Property Owners Association, Inc., a nonprofit corporation, having its principal place of business at 13 Treasure Lake, DuBois, Pennsylvania 15801.

3. That at all times alleged herein, defendant was engaged in and provided essential government services and functions to its community.

4. That at all times alleged herein, plaintiff was an active member of Treasure Lake Property Owners Association, Inc. (hereinafter "Treasure Lake POA").

5. That plaintiff requested she be afforded the opportunity to review and copy the taped minutes from a Treasure Lake POA board meeting held on August 27, 2007. A true and correct copy of request submitted with a statement of plaintiff's purpose by affidavit is attached hereto as Exhibit "A."

6. That defendant has denied plaintiff the right to copy the taped minutes as is evidenced by its letter of October 23, 2007. A true and correct copy of which is attached hereto as Exhibit "B"

7. That defendant's actions are in contradiction with the laws of this Commonwealth, in particular the Associations Code (specifically 15 Pa. C.S. § 5508) which affords a member the right to make copies and extract therefrom the records of member proceedings.

8. That plaintiff has demanded defendant provide or allow plaintiff to make a copy of taped minutes at her own expense to no avail and has informed defendant of the statutes to which defendant's actions and policies are in direct contradiction.

9. That pursuant to defendant's policy as attached hereto as part of Exhibit B, the same taped minutes will in the regular course of business be destroyed by the Treasure Lake POA.

10. That plaintiff has no adequate remedy at law.

WHEREFORE, the Plaintiff, Cheryl A. Gray, prays for relief from Defendant's actions and the entry of an order preliminarily, and after final hearing, permanently:

- a. Enjoining and restraining the defendant from destroying or tampering with any records of the Treasure Lake POA and in particular from destroying or tampering with the taped minutes of the board meeting held on August 27, 2007;
- b. Directing the defendant to permit plaintiff to make a copy of the taped minutes of the board meeting held on August 27, 2007;
- c. Directing the defendant to permit plaintiff to make a copy of any other records which as a member of the Treasure Lake POA plaintiff would have a statutory right to copy;
- d. Declaring Policy No. A-45 of the Treasure Lake POA void and in direct contradiction with the laws of this Commonwealth;
- e. Enjoining the defendant from enforcing or continuing to proceed under Treasure Lake POA Policy No. A-45 as it is in direct contradiction with the laws of this Commonwealth;
- f. Awarding plaintiff counsel fees costs and expenses;
- g. Awarding damages as the Court deems just and proper; and

h. Granting any other relief as the Court deems just and proper.

COUNT II - COUNSEL FEES

11. Plaintiff hereby incorporates by reference paragraphs one through ten above as if the same were fully set forth herein at length.

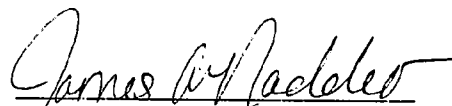
12. Defendant is aware of the statute which affords plaintiff as a member of the Treasure Lake POA the right to copy records of proceedings of the members (15 Pa.C.S. § 5508) and has denied plaintiff the opportunity to do the same in bad faith.

13. Plaintiff has been required to retain counsel at \$150.00 per hour, which is a reasonable fee.

14. Pursuant to 42 Pa.C.S. § 2503 plaintiff is entitled to reasonable counsel fees and expenses incurred to defend against defendant's refusal to release statutorily enforced right to corporate data and records.

WHEREFORE, the Plaintiff, Cheryl A. Gray, prays for relief and that judgment be entered in her favor and against the defendant with costs and interests thereon.

NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiff

V E R I F I C A T I O N

I, Cheryl A. Gray, Plaintiff, verify that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:


Cheryl A. Gray
Plaintiff

Dated: 10/10/07

NADDEO & LEWIS, LLC

ATTORNEYS AT LAW
207 EAST MARKET STREET
P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

JAMES A. NADDEO
LINDA C. LEWIS
Trudy G. Lumadue

(814) 765-1601
FAX: (814) 765-8142
naddeolaw@atlanticbbn.net

October 10, 2007

Treasure Lake Property Owners Association
13 Treasure Lake
DuBois, PA 15801

RE: Request for inspection and copying of records

Gentlemen:

This shall serve as my client's official request to inspect and copy the corporate records of Treasure Lake Property Owners Association with the purpose for this request being stated under oath. Please see attached statement and request by Cheryl A. Gray.

Sincerely,



James A. Naddeo

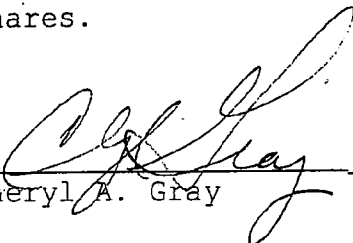
JAN/tgl

Enclosure

Exhibit "A"

TO: Treasure Lake Property Owners Association
13 Treasure Lake
DuBois, PA 15801

I, Cheryl A. Gray, am a member of the Treasure Lake Property Owners Association. I am this 10th day of October, 2007, requesting permission to inspect and copy records of the Treasure Lake Property Owners Association. In particular, I am requesting permission to copy the taped minutes from Board meeting held on August 27, 2007. I am requesting to inspect and copy these records for the purpose of documenting statements made by Michael J. Nedzinski at a public meeting held on August 27, 2007 for the purpose of investigating possible removal of said director pursuant to the Bylaws of Treasure Lake Property Owners Association, Inc., Section 5.6.5 and for the purpose of investigating the procedure for block-voting by members of the association owning timeshares.


Cheryl A. Gray

COMMONWEALTH OF PENNSYLVANIA)

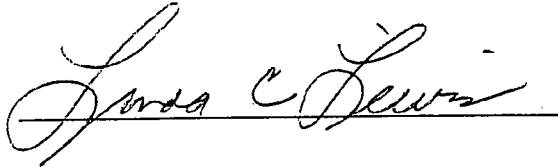
ss.

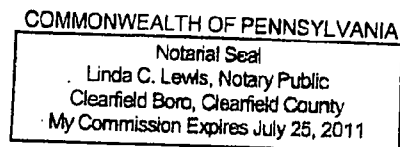
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared Cheryl A. Gray, who being duly sworn according to law, deposes and states that the above statements are true

and correct to the best of her knowledge, information and belief.

SWORN and SUBSCRIBED before me this 10th day of October, 2007.





OCT 24 2007

Law Office
MICHAEL P. YEAGER
P. O. Box 752
110 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-9811
FAX (814) 765-9503

October 23, 2007

James A. Naddeo, Esquire
NADDEO & LEWIS, LLC
P.O. Box 552
Clearfield, PA 16830

HAND DELIVERED

**Re: Cheryl A. Gray Audio Tape Request
My File No. Y-302.86**

Dear Jim:

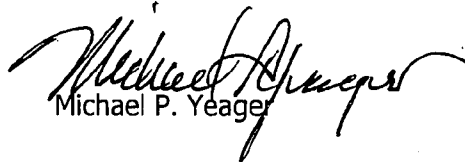
As noted by phone on October 22, 2007, the Board of Directors at the Treasure Lake Property Owners Association ("TLPOA") discussed the above-captioned request by Cheryl Gray to copy the audio tape of the August 27, 2007 meeting of the Board. I am informed that the TLPOA will continue to abide by Policy A-45 ("Policy") of the TLPOA., a copy of which is enclosed.

Accordingly, you will note that the Policy indicates that Ms. Gray is entitled to listen to the tape (and presumably to make notes). However, the Policy does not authorize copies of the tape to be made and further notes that the tape will be destroyed at a point 60 days subsequent to the time that the Minutes for the August 27, 2007 meeting were approved on September 24, 2007.

I believe Ms. Gray has already been advised as to her rights pursuant to this Policy. If she wishes to avail herself of the same, she needs to provide notice as noted in the Policy and will otherwise need to be accompanied by a Board member or management representative in order to listen to the tape.

Should you otherwise wish to discuss this matter or should you have any questions or comments, please feel free to call at any time.

Very truly yours,


Michael P. Yeager

MPY/ljs
Enclosure

pc: TLPOA Board of Directors
Matthew S. Begley, Manager, TLPOA

Exhibit "B"

Treasure Lake Property Owners Association, Inc.

MANUAL: ADMINISTRATION

POLICY NO.: A-45

SUBJECT: Production of Board of Directors' Minutes

PAGE: 1 of 2

DATE ORIGINALLY ADOPTED BY B.O.D.: 11-07-05

DATE(S) REVISION(S) APPROVED BY B.O.D.: 1-2-06

This policy, adopted or revised on the date indicated, by the Treasure Lake Property Owners Association, Inc. Board of Directors stipulate that these principles apply to formal meetings, work sessions and membership meetings with regard to the preparation and dissemination of minutes. As such the minutes of the aforementioned proceedings will be generally prepared as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapter XV and Chapter XVI: Further, the Secretary of the Board of Directors, as set forth in Article 6.2.3 of the Association's Bylaws, shall assure adherence to the general provisions outlined.

- 1.) All meetings shall be tape recorded. The tapes shall be available to interested parties (e.g. property owners and other designees of the board) for reference purposes after the draft written minutes have been produced. To listen to the tape recording interested parties must provide reasonable notice and shall be accompanied by a board member or management representative in the POA Administrative office. The tapes shall be retained for 60 days after minute approval and then destroyed. The minutes when approved constitute the "record" of proceedings and take precedence over the tapes in case of conflict. Any residual earlier tapes to be erased as well.
- 2.) The recording secretary shall be present at the meeting(s) and shall produce the minutes using notes taken and the tapes.
- 3.) Draft board of directors' meeting minutes shall be distributed to the board of directors 10 days after the meeting. Membership meeting minutes shall be mailed to the board of directors' within 30 days. Note: Minutes are not an official record until approved. Corrections to the minutes should be made by individuals who are misquoted, etc. in advance of the approval meeting date by contacting the board of directors' secretary, preferably in writing. The note of request for change will be included in the B.O.D. packet.
- 4.) Minutes to be prepared for dissemination require, as outlined in *Roberts' Rules of Order, Newly Revised Edition*, Chapters XV and XVI that all reports (e.g. president, treasurer, general manager, committees and working groups) be included in the text of the minutes or notation of attachment thereof indicated as part of the applicable subject heading. The report may be written and submitted for the record. When not written, the report may be summarized from the tape recording. With regard to the recording of minutes or reports from committees and/or working groups, the minutes of the board of directors' meetings shall include only recommendations and/or significant issues presented by the committee and/or working group.

- 5.) At the next regular meeting the minutes will be submitted for approval. Once approved they constitute the official record of the association. The TLPOA Board of Directors' Secretary signs and dates the minutes to indicate approval. Disputes must be registered within seven days of the receipt of the draft minutes.
- 6.) Minutes must contain as a minimum:
- a. Record of directors present (members for membership meetings).
 - b. All motions passed including voting results. Motions to be recorded verbatim and in bold type.
 - c. Copies of reports read or submitted shall be referenced.
 - d. Where property owners make comments, the name, section, lot number, and the question are to be recorded by topic in short form not verbatim. Replies when given shall be recorded similarly in short form

End of Policy

Authenticated By:

Signature of Secretary, TLPOA Board of Directors

Date

Signature of President, TLPOA Board of Directors

Date

COMMONWEALTH OF PENNSYLVANIA



Superior Court of Pennsylvania

Western District

August 29, 2008

Karen Reid Bramblett, Esq.
Prothonotary

Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

412-565-7592

www.superior.court.state.pa.us

Mr. William A. Shaw
Prothonotary
Clearfield County
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

07-1728-CD

RE: Gray, C. v. Treasure Lake Property Owners
No. 862 WDA 2008

September 2, 2008, received from the Superior Court of Pennsylvania, Western District Office, the certificate of discontinuance of the court, in the above entitled case.

Contents of Original Record:

Original Record Item

☒ ORIGINAL RECORD

Description

1 PART

5
FILED
m123761
SEP 02 2008
(G12)

William A. Shaw
Prothonotary/Clerk of Courts

1 Certified Copy of Order

Return to:

Superior Court of Pennsylvania
Office of the Prothonotary
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592

Trial Court Docket Number(s)

NO. 2007-1728-CD

In the Superior Court of
Pennsylvania

Sitting at Pittsburgh

No. 862

WESTERN DOCKET APPEAL. 2008

CHERYL GRAY
V.
TREASURE LAKE PROPERTY OWNERS
ASSOCIATION.

Appeal from the Order of 5-8-2008,
Honorable Frederic J. Ammerman
Court of Common Pleas of Clearfield County
Civil Division
Docket Numbers: No. 2007-1728 CD

Order of court

Date: AUGUST 29, 2008 PRAECIPE FOR DISCONTINUANCE FILED:
(APPEAL DISCONTINUED)

S
FILED
m112:3784
SEP 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

In Testimony Whereof, I have hereunto set my hand and the seal of said Court at
Pittsburgh, Pa.

this

29th

Day of

August

2008

Eleanor R. Valecko

Deputy Prothonotary



Superior Court of Pennsylvania

Western District

August 29, 2008

Karen Reid Bramblett, Esq.
Prothonotary

Eleanor R. Valecko
Deputy Prothonotary

310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297
412-565-7592

www.superior.court.state.pa.us

Notice of Discontinuance of Action

07-1728-CD

RE: Gray, C. v. Treasure Lake Property Owners
Appeal of: Treasure Lake Property Owners Association, Inc.
Type of Action: Notice of Appeal
No. 862 WDA 2008
Clearfield County Court of Common Pleas
Agency Docket Number: NO. 2007-1728-CD

The above-captioned matter has been marked "Discontinued" with this court.
Certification is being sent to the lower court.

Attorney Name	Party Name	Party Type
James A. Naddeo, Esq.	Cheryl A. Gray	Appellee
Michael P. Yeager, Esq.	Treasure Lake Property Owners Association, Inc.	Appellant

5
FILED
m/12/29/08
8:00 PM
WILSON A. SHAW
Prothonotary/Clerk of Courts

Date: 5/29/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 09:18 AM

ROA Report

Page 1 of 2

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
10/24/2007	New Case Filed.	No Judge
	Filing: Complaint-Equity Action Paid by: Naddeo, James A. (attorney for Gray, Cheryl A.) Receipt number: 1921181 Dated: 10/24/2007 Amount: \$85.00 (Check) 3CC Atty Naddeo.	No Judge
	② Bond, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo. 3	No Judge
	③ Petition For Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo. 17	No Judge
10/26/2007	Order AND NOW, this 26th day of of October 2007, upon consideration of the verified Counterclaim in equity in this action and the accompanying Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, pursuant to Pa.R.C.P. 1531 and plaintiff having filed a bond as required under Rule 1531 (b) (1) it is hereby ORDERED that: A) Defendant is enjoined from destroying the taped minuted of a board meeting held on August 27, 2007. This Injunction is granted without notice to defendant, a hearing on the continuance of this injunction shall be held not more than five days after the date of this Order. Said hearing shall be on the 31st day of October 2007 at 2:00 pm in Courtroom 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 5CC Atty Naddeo.	Fredric Joseph Ammerman
10/31/2007	Sheriff Return, October 29, 2007 at 1:43 pm Served the within Petition; Order; Complaint in Equity; Bond on Treasure Lake Property Owners Association Incorporated by handing to Cherlene Lutz. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$46.84	Fredric Joseph Ammerman
	⑥ Answer and New Matter to Complaint - Equity, filed by s/ Michael P. Yeager, Esquire. 3CC Atty. Yeager 29	Fredric Joseph Ammerman
11/1/2007	Order, this 31st day of Oct., 2007, it is Ordered that the Defendant continues to be enjoined from destroying the audiotape of the board meeting held on August 27th, 2007 until such time as the Court should issue a decision on the merits and relative any appeal if that should happen. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Naddeo; 2CC Def. - 13 Treasure Lake, DuBois, PA 15801	Fredric Joseph Ammerman
11/19/2007	⑧ Reply To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo 6	Fredric Joseph Ammerman
3/11/2008	⑨ Motion for Judgment on the Pleadings, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	Fredric Joseph Ammerman
	Order AND NOW, this 11th day of March 2008, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff, it is hereby ORDERED that: 1. The Respondent shall file an answer to the motion within 20 days of service, thereof, said service to be made by defendant and; 2. a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested. Rule Returnable and argument thereon to be held the 22nd day of April 2008 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Naddeo.	Fredric Joseph Ammerman
3/12/2008	⑩ Certificate of Service, filed. That a certified copy of Motion for Judgment on the Pleadings was served on the 12th day of March 2008 by first class mail to Michael P. Yeager Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Date: 5/29/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 09:18 AM

ROA Report

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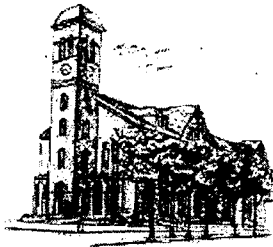
Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
3/19/2008	(11) Response to Motion for Judgment on the Pleadings, filed by s/ Michael P. Yeager, Esquire. 1CC Atty. Yeager	7 Fredric Joseph Ammerman
4/14/2008	(12) Amended Answer and New Matter to Complaint-Equity, filed by s/ Michael P. Yeager, Esquire. 2CC Atty. Yeager	27 Fredric Joseph Ammerman
4/21/2008	(13) Reply to Amended New Matter, filed by s/ James A. Naddeo, Esquire. 1CC to Atty.	6 Fredric Joseph Ammerman
4/22/2008	(14) Motion for Judgment on the Pleadings, filed by Atty. Yeager 2 Cert. to Atty.	10 Fredric Joseph Ammerman
5/8/2008	(15) Order, this 8th day of May, 2008, it is Ordered that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff is Granted. The Motion for Judgment on the Pleadings filed on behalf of the Defendant is Dismissed. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys: Yeager, Naddeo	1 Fredric Joseph Ammerman
5/14/2008	(16) Praecipe For Final Judgment, judgment for Plaintiff and against Defendant in the above-captioned case upon the Order of Court entered May 8, 2008. filed by s/ James A. Naddeo, Esquire. 1CC Atty.	3 Fredric Joseph Ammerman
5/16/2008	(17) Filing: Appeal to High Court Paid by: Yeager, Michael P. (attorney for Treasure Lake Property Owners Association Incorpor) Receipt number: 1924106 Dated: 5/16/2008 Amount: \$50.00 (Check) 1 Cert. to Superior Court w/\$60.00 Check 7	6 Fredric Joseph Ammerman
	(18) Notice of Appeal and Statment Relative to Transcript, filed by s/Michael P. Yeager, Esquire. 1CC to Superior Ct. w/\$60.00 & 7 Cert. to Atty.	1 Fredric Joseph Ammerman
5/19/2008	(18) Order, this 19th day of May, 2008, this Court having been notified of Appeal to the Superior Court of PA, it is Ordered that Treasure Lake Property Owners Association, Inc., file a concise statement of the matters complained of on said appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Naddeo, Yeager	1 Fredric Joseph Ammerman
5/23/2008	(19) Appeal Docket Sheet, filed. Docket no. 862 WDA 2008	3 Fredric Joseph Ammerman



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

James A. Naddeo, Esq.
PO Box 552
207 E. Market Street
Clearfield, PA 16830

Michael P. Yeager, Esq.
PO Box 752
110 North Second Street
Clearfield, PA 16830

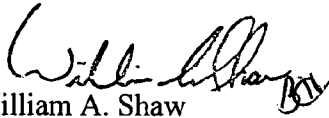
Cheryl A. Gray
Vs.
Treasure Lake Property Owners Association, Inc.

Court No. 07-1728-CD; Superior Court No. 862 WDA 2008

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on June 27, 2008. Any pending transcripts will be forwarded upon filing to Superior Court per their instructions.

Sincerely,


William A. Shaw
Prothonotary/Clerk of Courts

FILED
COPY
JUN 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1728-CD

Cheryl A. Gray

VS.

Treasure Lake Property Owners Association, Inc.

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	10/24/07	Complaint-Equity Action	12
02	10/24/07	Bond	03
03	10/24/07	Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief	17
04	10/26/07	Order, Re: Injunction granted, hearing scheduled	02
05	10/31/07	Sheriff Return	01
06	10/31/07	Answer and New Matter to Complaint-Equity	29
07	11/01/07	Order, Re: Defendant continues to be enjoined	01
08	11/19/07	Reply to New Matter	06
09	03/11/08	Motion for Judgment on the Pleadings with Order scheduling hearing	07
10	03/12/08	Certificate of Service, Motion for Judgment on the Pleadings	02
11	03/19/08	Response to Motion for Judgment on the Pleadings	07
12	04/14/08	Amended Answer and New Matter to Complaint-Equity	27
13	04/21/08	Reply to Amended New Matter	06
14	04/22/08	Motion for Judgment on the Pleadings	06
15	05/08/08	Order, Re: Motion for Judgment on the Pleadings	01
16	05/14/08	Praecipe for Final Judgment	03
17	05/16/08	Notice of Appeal and Statement Relative to Transcript	06
18	05/19/08	Order, Re: concise statement to be filed	01
19	05/23/08	Appeal Docket Sheet, 862 WDA 2008	03
20	05/30/08	Statement of Matters Complained of on Appeal	05
21	05/30/08	Application for Supersedeas	09
22	06/04/08	Order, Re: argument on Application for Supersedeas	02
23	06/05/08	Certificate of Service	02
24	06/11/08	Plaintiff's Response to Defendant's Application for Supersedeas	05
25	06/17/08	Order, Re: Application for Supersedeas Granted	01
26	06/27/08	Opinion	03

Date: 6/27/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:15 PM

ROA Report

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Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date		Judge
10/24/2007	New Case Filed.	No Judge
	Filing: Complaint-Equity Action Paid by: Naddeo, James A. (attorney for Gray, Cheryl A.) Receipt number: 1921181 Dated: 10/24/2007 Amount: \$85.00 (Check) 3CC Atty Naddeo.	No Judge
	Bond, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
	Petition For Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.	No Judge
10/26/2007	Order AND NOW, this 26th day of of October 2007, upon consideration of the verified Counterclaim in equity in this action and the accompanying Petition for Temporary Restraining Order and Ex-Parte Preliminary Injunctive Relief, pursuant to Pa.R.C.P. 1531 and plaintiff having filed a bond as required under Rule 1531 (b) (1) it is hereby ORDERED that: A) Defendant is enjoined from destroying the taped minutes of a board meeting held on August 27, 2007. This Injunction is granted without notice to defendant, a hearing on the continuance of this injunction shall be held not more than five days after the date of this Order. Said hearing shall be on the 31st day of October 2007 at 2:00 pm in Courtroom 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 5CC Atty Naddeo.	Fredric Joseph Ammerman
10/31/2007	Sheriff Return, October 29, 2007 at 1:43 pm Served the within Petition; Order; Complaint in Equity; Bond on Treasure Lake Property Owners Association Incorporated by handing to Cherlene Lutz. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Naddeo \$46.84 Answer and New Matter to Complaint - Equity, filed by s/ Michael P. Yeager, Esquire. 3CC Atty. Yeager	Fredric Joseph Ammerman Fredric Joseph Ammerman
11/1/2007	Order, this 31st day of Oct., 2007, it is Ordered that the Defendant continues to be enjoined from destroying the audiotape of the board meeting held on August 27th, 2007 until such time as the Court should issue a decision on the merits and relative any appeal if that should happen. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Naddeo; 2CC Def. - 13 Treasure Lake, DuBois, PA 15801	Fredric Joseph Ammerman
11/19/2007	Reply To New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo	Fredric Joseph Ammerman
3/11/2008	Motion for Judgment on the Pleadings, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	Fredric Joseph Ammerman
	Order AND NOW, this 11th day of March 2008, upon consideration of the Motion for Judgment on the Pleadings filed by Plaintiff, it is hereby ORDERED that: 1. The Respondent shall file an answer to the motion within 20 days of service, thereof, said service to be made by defendant and; 2. a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested. Rule Returnable and argument thereon to be held the 22nd day of April 2008 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Naddeo.	Fredric Joseph Ammerman
3/12/2008	Certificate of Service, filed. That a certified copy of Motion for Judgment on the Pleadings was served on the 12th day of March 2008 by first class mail to Michael P. Yeager Esq., filed by s/ James A. Naddeo Esq. No CC.	Fredric Joseph Ammerman

Equity

Date		Judge
3/19/2008	Response to Motion for Judgment on the Pleadings, filed by s/ Michael P. Yeager, Esquire. 1CC Atty. Yeager	Fredric Joseph Ammerman
4/14/2008	Amended Answer and New Matter to Complaint-Equity, filed by s/ Michael P. Yeager, Esquire. 2CC Atty. Yeager	Fredric Joseph Ammerman
4/21/2008	Reply to Amended New Matter, filed by s/ James A. Naddeo, Esquire. 1CC	Fredric Joseph Ammerman
4/22/2008	Motion for Judgment on the Pleadings, filed by Atty. Yeager 2 Cert. to Atty.	Fredric Joseph Ammerman
5/8/2008	Order, this 8th day of May, 2008, it is Ordered that the Motion for Judgment on the Pleadings filed on behalf of the Plaintiff is Granted. The Motion for Judgment on the Pleadings filed on behalf of the Defendant is Dismissed. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys: Yeager, Naddeo	Fredric Joseph Ammerman
5/14/2008	Praecipe For Final Judgment, Judgment for Plaintiff and against Defendant in the above-captioned case upon the Order of Court entered May 8, 2008. filed by s/ James A. Naddeo, Esquire. 1CC Atty.	Fredric Joseph Ammerman
5/16/2008	Filing: Appeal to High Court Paid by: Yeager, Michael P. (attorney for Treasure Lake Property Owners Association Incorpor) Receipt number: 1924106 Dated: 5/16/2008 Amount: \$50.00 (Check) 1 Cert. to Superior Court w/\$60.00 Check 7	Fredric Joseph Ammerman
	Notice of Appeal and Statement Relative to Transcript, filed by s/Michael P. Yeager, Esquire. 1CC to Superior Ct. w/\$60.00 & 7 Cert. to Atty.	Fredric Joseph Ammerman
5/19/2008	Order, this 19th day of May, 2008, this Court having been notified of Appeal to the Superior Court of PA, it is Ordered that Treasure Lake Property Owners Association, Inc., file a concise statement of the matters complained of on said appeal no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Naddeo, Yeager	Fredric Joseph Ammerman
5/23/2008	Appeal Docket Sheet, filed. Docket no. 862 WDA 2008	Fredric Joseph Ammerman
5/30/2008	Statement of Matters Complained of on Appeal, filed by s/Michael P. Yeager, Esq. Four CC Attorney Yeager	Fredric Joseph Ammerman
	Application for Supersedeas, filed by s/Michael P. Yeager, Esq. Two CC Attorney Yeager	Fredric Joseph Ammerman
6/4/2008	Order, this 3rd day of June, 2008, it is Ordered that an argument on the Application for Supersedeas filed by the Defendant is scheduled for the 12th day of June, 2008, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Yeager	Fredric Joseph Ammerman
6/5/2008	Certificate of Service, filed. That on June 5, 2008, a copy of the Scheduling Order for argument on the Application for Supersedeas in the above-captioned matter was hand delivered to James A. Naddeo Esq., filed by s/ Michael P. Yeager Esq. No CC.	Fredric Joseph Ammerman
6/11/2008	Plaintiff's Response to Defendant's Application for Supersedeas, filed by s/James A. Naddeo, Esq. Two CC Attorney Naddeo	Fredric Joseph Ammerman
6/17/2008	Order, this 16th day of June, 2008, it is Ordered that the Application for supersedeas is GRANTED. The Defendant shall not be required to supply the Plaintiff with a copy of the audiotape in question pending the outcome of the appeal. No bond need be posted by the Defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Yeager, Naddeo	Fredric Joseph Ammerman

Date: 6/27/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:15 PM

ROA Report

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Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date

Judge

6/27/2008

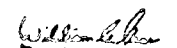
Opinion, BY THE COURT: /s/Fredric J. Ammerman, P.J. Three CC
Attorneys Naddeo and Yeager One CC D. Mikesell and Law Library

Fredric Joseph Ammerman

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 27 2008

Attest.


Prothonotary/
Clerk of Courts

Date: 6/27/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:05 PM

ROA Report

Page 1 of 1

Case: 2007-01728-CD

Current Judge: Fredric Joseph Ammerman

Cheryl A. Grayvs.Treasure Lake Property Owners Association Incorpor

Equity

Date	Selected Items	Judge
5/30/2008	20 Statement of Matters Complained of on Appeal, filed by s/Michael P. Yeager, Esq. Four CC Attorney Yeager 5	Fredric Joseph Ammerman
	21 Application for Supersedeas, filed by s/Michael P. Yeager, Esq. Two CC Attorney Yeager 9	Fredric Joseph Ammerman
6/4/2008	22 Order, this 3rd day of June, 2008, it is Ordered that an argument on the Application for Supersedeas filed by the Defendant is scheduled for the 12th day of June, 2008, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Yeager 2	Fredric Joseph Ammerman
6/5/2008	23 Certificate of Service, filed. That on June 5, 2008, a copy of the Scheduling Order for argument on the Application for Supersedeas in the above-captioned matter was hand delivered to James A. Naddeo Esq., filed by s/ Michael P. Yeager Esq. No CC. 2	Fredric Joseph Ammerman
6/11/2008	24 Plaintiff's Response to Defendant's Application for Supersedeas, filed by s/James A. Naddeo, Esq. Two CC Attorney Naddeo 5	Fredric Joseph Ammerman
6/17/2008	25 Order, this 16th day of June, 2008k, it is Ordered that the Application for supersedeas is GRANTED. The Defendant shall not be required to supply the Plaintiff with a copy of the audiotape in question pending the outcome of the appeall. No bond need be posted by the Defendant. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Yeager, Naddeo 1	Fredric Joseph Ammerman
6/27/2008	26 Opinion, BY THE COURT: /s/Fredric J. Ammerman, P.J. Three CC Attorneys Naddeo and Yeager One CC D. Mikesell and Law Library 3	Fredric Joseph Ammerman