

**HAMILTON COVE HOMEOWNERS ASSOCIATION
MINUTES OF CIVIL CODE SECTION 4765 HEARING
5/25/2022**

The hearing convened at 10AM, presided by Norris J. Bishton, Jr., President and Director of the Association ("Bishton"). The hearing was requested by the Owners of Units 81 and 82 in Building 8 (the "Appellants"). Appellants appealed a decision of the Architectural Committee dated 1/6/2022 to the Board of Directors pursuant to Civil Code Section 4765 which provides that an Owner can request such a hearing before the full Board. The hearing was scheduled to be heard during the regular Board meeting on 4/9/2022 also held by Zoom. The Appellants declined to appear. With the consent of Appellants, the hearing was rescheduled for 5/22/2022 to be held by Zoom. An Invitation to be present for the hearing was sent to all Owners.

Bishton informed the hearing that the it was being recorded. Bishton noted that Director Bart Glass was not present because he was hospitalized with blood clots in his lungs. Bishton further informed the hearing that Director Rich Kirschner, a sitting Superior Court judge, had recused himself because as a sitting judge he is precluded from being involved in any matter that might lead to litigation. Bishton noted that the Appellants have threatened the Association with litigation.

Bishton noted the following persons participating in the hearing:

Director Martin Curtin
Director Mike Owens
Director Norris J. Bishton, Jr.

Jeffery S. Gubernick, attorney for the Association

Mark and Carole Forbush, Appellants

Barry A. Ross, attorney for Appellants
Alice E. Waters, attorney for Appellants

Bishton then noted for the record that the following written material was provided to the Board:

From the Architectural Committee:

- a) Minutes of the 1/6/2022 meeting of the Architectural Committee
- b) Minutes of the 1/18/2022 meeting of the Architectural Committee

From the Appellants:

- a) a letter from Barry A. Ross attorney for the Appellants dated May 20, 2022
- b) a document entitled :Forbush Concept Design Revisions after January 2021 rejection
- c) a letter from Alice E. Waters attorney for Appellants dated 4/27/2020.
- d) a 544 page attachment to Ms. Water's letter
- e) a 42 page document identified as litigation brief--Forbush v HOA.

A de nova hearing of the application denied by the Architectural Committee on 1/6/2022 was then held. Attorneys Ross and Waters presented the case for the Appellants.

Upon conclusion of the presentation, the Board took the matter under submission and the hearing was adjourned.

Dated May 25, 2022.

Norris J. Bishton, Jr.

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