

Dear Fellow Members of the HOA:

I have attached the agenda prepared by the HOA for the Town Hall Meeting to be held at 10am on the 29<sup>th</sup> of September via a ZOOM link that should now have been sent to you.

Our counsel has provided the following Ligation Update:

*The first hearing/the hearing of the Defendants' application for an extension of time to file their respective Defenses was held on September 26, 2023, before the Hon. Madame Justice Jacqueline Cornelius. We did not oppose the applications, and the Court granted the Defendants 7 days (until October 5, 2023) to file their respective Defenses. We have until October 19, 2023, to file any reply.*

*We also used the opportunity to obtain case management orders from the Court, with a view to actively progressing the matter and ensuring any momentum is maintained. In that regard, the following deadlines were set:*

- (1) The parties must file and serve Lists of Documents (the first stage in the disclosure process) by November 17, 2023, and have until November 24, 2023, to inspect the other side's documents.*
- (2) The parties must file and exchange Witness Statements on or before December 21, 2023.*
- (3) The parties must file a joint Statement of Agreed Facts and Issues, if possible, before January 26, 2024, or, in the absence of agreement, respective individual Statements of Facts and Issues on or before February 2, 2024; and*
- (4) The matter has been set down for pre-trial review on February 27, 2024 (on which occasion the court will give directions for trial).*

My questions for the Town Hall meeting submitted to the HOA on September 14<sup>th</sup> are set forth again below for your ready reference:

**GARDEN WALL VILLA ASSOCIATION INC ("Garden Wall")**

- (1) Who is in possession of the books and records of the Garden Wall and why has Garden Wall ceased to maintain the Common Property and the exterior of villas in Garden Wall or otherwise function since PSI purchased all the properties of Apes Hill Development SRL ("Developer") at Apes Hill on 3 February 2020 and took control of the HOA and Garden Wall?**
- (2) Who is now responsible for and is maintaining the Common Property and the exteriors of villas in Garden Wall?**
- (3) How many buildable lots, developed or undeveloped, are now located in Garden Wall, that are owned, controlled, or leased by PSI, and what are their respective lot numbers?**
- (4) Do the same covenants and restrictions running with the lands in Garden Wall affect all the buildable lots, developed or undeveloped, in Garden Wall?**

## HOA

**(5) Who is responsible for maintaining Security and Common Property in the Apes Hill Community and how much of the costs thereof was paid in 2022 and in the first 8 months of 2023 by each of the HOA and PSI?**

**(6) What are the obligations of the Developer to the HOA that were not assumed by PSI in the so-called Assignment of Developer's Rights made on behalf of the Developer to PSI dated 3 February 2020 and how are such obligations evidenced?**

**(7) Since the last Annual Meeting of the HOA in May 2023, what has been done by the HOA and PSI to improve the Security and the Maintenance of the Common Property in the Apes Hill Community and when and where was each such improvement made?**

**(8) What is the total amount of accounts receivable, past due and owing more than 120 days, shown on the balance sheet of the HOA for periods ending 31 December 2020, 31 December 2021, 31 December 2022 and 31 August 2023 (each a "Measuring Period") and how many of those past due accounts receivable, by date and amount, have been secured, written off or collected in each Measuring Period?**

**(9) Since 3 February 2020, what is the total amount of dues that has been paid by PSI to the HOA during each Measuring Period?**

**(10) Since 3 February 2020, how many additional buildable lots have been added to the Apes Hill Community by PSI, who is the owner of each such additional building lot, and what is the location and lot number of each of these lots?**

**(11) When will PSI determine what Common Property, if any, will be conveyed to the HOA and Garden Wall, for what consideration, if any, and when will each such conveyance be made?**

**(12) When will PSI publish a map showing the golf course and related facilities, constructed or to be constructed; the Common Property; and all buildable lots developed or to be developed in the Apes Hill Community?**

Yours faithfully,

Paul Lamb,

President

Apes Hill Benevolent Society, Inc.

[Town Hall Meeting Agenda](#)