

February 2020 Legal Report

As some of you may know there has been an ongoing legal battle with the Country Club since 2008. Over the years there has been over \$500,000 spent in defense of the POA and the filing of lawsuits against the CC. Some members of your current POA board have been diligently working to rectify the inequality of Raintree for several years and with the new board members recently we have made some headway. For all to understand there are 3 parties involved, The POA, the Intervenors and the Country Club. Since all previous attempts to rectify the inequality in the subdivision have failed, for numerous reasons, the Chief Justice sent the case to a Judge in St. Charles. Our assumption is that he would not have any relationships, personal or professional to any party involved in the lawsuit. During a scheduled meeting with the Judge it was presented that a Class be created for Raintree including the entire subdivision 1-25 & The Forrest. The Judge agreed, and the Class was submitted and approved. The last step was for the 3 parties to work out a settlement agreement that would be fair and equal to every property owner of Raintree. The deadline for this was April 1, 2020. The 3 parties have worked out a tentative agreement pending attorney approval.

Recently there have been some mailings sent out and incorrect information posted on social media sites. I will address this information for your clarity.

- ❖ **You have been entered into a class action lawsuit (Case #15JE-CC00809) without your knowledge, by a property owner in section 20-25.**
 - We posted on facebook, social media and website and addressed this in several monthly board meetings in the legal report and the open forum. This was filed by the intervenors that is made up of property owners of Raintree, not just 20-25.
- ❖ **The Raintree attorney, the Country Club attorney and the intervenors attorney has all agreed on a deal to pay the CC and to get an assessment increase for the POA. (You will not be able to vote on either of these increases of bylaws).**
 - No, all the attorneys have not agreed on a deal to pay the country club or get an assessment increase for the POA. A settlement in the potential class action may result in all lot owners paying some amount to the country club.
 - There has been a tentative agreement between the POA, CC and Intervenors, but none of those terms have been finalized with the attorneys. An increase of assessments for the POA would require a vote, as would a change to the bylaws and there is nothing in the class action that relates to an assessment increase.
- ❖ **The judge on this case has ruled that Raintree will be all in one class, meaning that owners in sections 1-19 and the Forest will have to pay mandatory Country Club dues. If you do not agree and want to opt out, you need to act now, Call a phone number.**
 - Yes, at this point property owners have been entered into a class action lawsuit that was filed and ordered by the judge. Our attorney suggested not objecting to the Intervenor's motion because we have done the legal research that our position in that situation is weak and it doesn't make sense spending attorney's fees fighting a battle we won't win.
 - No, there will not be the ability to opt out. The judge has approved the class action, that means all owners will be part of the class. The Judge has encouraged the attorneys for

all three parties to come to a settlement agreement rather than the Judge enforcing a ruling on all parties.

- ❖ Anyone who has property in the Sections 1-19 or the Forest does not have legal representation (The POA is in favor of the changes.)
 - The POA represents ALL the property owners in Raintree.
- ❖ Both the POA increase or the Country Club dues will not be a vote. It will be an order of the court.
 - There will not be a vote on the CC dues and there is not an order for Raintree assessments.
- ❖ POA said if you don't want to be in the Class Action you will need to go in front of the judge in St. Charles to plead your case. In the past the judge will not hear your case without an attorney.
 - There will be a hearing date for all owners that are subject to the class action, with or without an attorney, to go in front of the Judge and make their arguments – not on whether or not they should be a member of the class, but on the terms of the settlement agreement.

If you still have question you can ask them during the Open Forum.