

Richard B. Henry and Associates, LLC

A Limited Liability Company

1105 Court Street

Honesdale, PA 18431

570-253-7991 – Fax: 570-253-7994 – email: rhenry1@ptd.net

Richard B. Henry, Esquire

July 16, 2021

Linda White

John Swift

VIA EMAIL ONLY

lindalee4826@yahoo.com

o2swift@yahoo.com

RE: Pocono Mountain Lake Forest v Swift, John et al

Dear Linda and John:

Attached please find an Order of Court dated July 9, 2021, that Marshall Anders, Esquire and myself worked on, relative to the above matter:

Special General Membership Meeting

Saturday, December 4, 2021

10:00 a.m..

Pocono Mountain Lake Forest Community Clubhouse

Please abide by this Order. If you have any questions, please do not hesitate to contact our office. Thank you for your attention. Richard B. Henry

RBH:ir
Enclosure

IN THE COURT OF COMMON PLEAS OF
PIKE COUNTY, PENNSYLVANIA
CIVIL

POCONO MOUNTAIN LAKE FOREST :
COMMUNITY ASSOCIATION, INC., :

Plaintiff :

v. :

NO. 8 - 2019

JOHN SWIFT, DONALD McCONNELL :
DAVID DEVILLIERS, LARA WINKLER :
JOSEPH GRIGER, ED HAMMOND, :
LINDA WHITE AND BEN GARDNER, :

Defendants :

OFFICE OF
PROthonotary
CLERK OF COURTS
2021 JUL -9 AM 10:10
ENTERED FOR RECORD
PIKE COUNTY, PA

ORDER

AND NOW, this 9th day of July, 2021, after Status Conference held in the
above matter and upon consideration of the parties' joint Motion for Approval of Election
Process Stipulation, it is hereby **ORDERED** as follows:

1. A **Special General Membership Meeting** is scheduled for the 4th day of
December, 2021 at the Pocono Mountain Lake Forest Community Clubhouse at
10:00 A.M. which meeting shall be for the announcement of the results of the
election of the Board of Directors of the Association. Provided therewith:
 - a. The clubhouse shall be open to all members of the Association, but the
meeting shall be strictly limited to the announcement of the results of the
election;
 - b. Counsel for both parties to this action are directed to attend the meeting;
 - c. Michael Wolbert, a certified Pennsylvania Constable, shall attend the
meeting for the purpose of keeping order. Constable Wolbert shall have

with him as many additional certified deputy constables as he deems necessary;

- d. The results of the election shall be read at the meeting by Marshall E. Anders, Esquire, in conjunction with Richard B. Henry, Esquire, which results shall be stenographically recorded;
- e. After the results of the election are read, both parties to this action shall turn over to the elected Board any and all records, statements, including bank statements, documents or other information in the possession of either party or to which either party has access, so that the elected Board can begin to administer the business of the Association; and
- f. The five (5) individuals elected to the Board of Directors shall serve until the election in 2022 which shall be conducted in accordance with the 2015 By-Laws.

2. A copy of this Order shall be transmitted to the members of the Association.

Any member who is interested in running for a seat on the Board of Directors shall submit, in writing, to Eric L. Hamill, Esquire, 501 Broad Street, Milford, Pennsylvania by **August 31, 2021**, the following:

- a. Their name and address;
- b. The property owned in Pocono Mountain Lake Forest; and
- c. A resume of one hundred fifty (150) words or less which shall not contain any improper or defamatory statements about other candidates.

This information shall be transmitted by Attorney Hamill to Richard B. Henry, Esquire and Marshall E. Anders, Esquire to be used in part to prepare the newsletter

hereinafter referenced. Members of the current Board of Directors and the Interim Board of Directors need only submit their resumes to Attorneys Henry and Anders.

3. **Nine (90) days prior to the Special General Membership Meeting**, a neutral Newsletter prepared by Marshall E. Anders, Esquire and Richard B. Henry, Esquire shall be forwarded to each lot owner in the community at the addresses both parties have for members. Provided further:

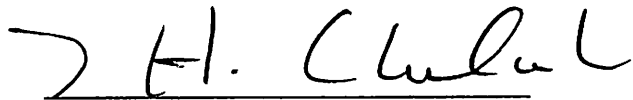
- a. The Newsletter shall notify the member of their right to vote and shall contain Resumes, not exceeding one hundred fifty (150) words, for each person running for the Board of Directors, which shall not contain any improper or defamatory statements about other candidates;
- b. Each Newsletter shall be accompanied by a ballot listing all of the candidates and an envelope with the return address of the member on the exterior of the envelope, which shall be addressed to: Eric L. Hamill, Esquire, 501 Broad Street, Milford, Pennsylvania 18337. The ballot and the return envelope shall be marked to Eric L. Hamill, Esquire, and no other person or entity. It is the intent that the ballots shall be kept confidential and secret. All ballots must be received by Eric L. Hamill, Esquire at the above address no later than **November 5, 2021** to permit property tallying. Any ballots received after November 5, 2021 will not be counted;
- c. Eric L. Hamill, Esquire shall tally the votes after verifying that each person sending a ballot is a lot owner in Pocono Mountain Lake Forest and notify in writing this Court and the attorneys for the parties of the results of the election. Eric L. Hamill, Esquire shall maintain the ballots

and accompanying envelope(s) for a period of two (2) years following the date of the Special General Membership Meeting;

- d. Because of difficulties of verifying number of lots owned and whether a lot owner is a member in good standing (current in payment of dues and assessments), there shall be one (1) vote by an ownership, representing all owner(s) of the lot, no matter how many lots are owned by those owners. Only property owners may vote and not tenants. This provision shall supersede the votes allowed or permitted by the 2015 By-Laws of the Association for the sole purpose of the election of directors at the Special General Membership Meeting.

4. Eric L. Hamill, Esquire is hereby appointed to oversee the election process and the carrying out of the provisions of this Order.
5. All costs and expenses in carrying out this Order, as well as all costs and expenses of carrying out the election, shall be borne equally by the parties to this lawsuit. Each party shall bear its own attorney's fees.

BY THE COURT:



HON. GREGORY H. CHELAK,
President Judge

cc: Marshall E Anders, Esquire
Richard B. Henry, Esquire
Eric L. Hamill, Esquire
Court Administrator

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