



## **Anchor's Point Owners Update - August 22, 2017**

Over three years ago, on June 16, 2014, the APCOA Board sent an Owners Update to inform the membership of the relationship between Anchor's Point and the new management of the Kimberling Inn / Table Rock Resort which purchased Kimberling Inn in 2013. At that time the board expressed its concerns about the lack of an agreement between Anchor's Point and KI/TRR over the water, roads, and sewer, which were developed to be shared among the entities located within the complex.

Since that time, there have been numerous attempts to negotiate with KI/TRR to obtain a written agreement on both a fair cost for the services and responsibilities for infrastructure failures. Various board members, attorneys from two different companies, and current board member Joe Golding being the latest, have tried to settle this matter with KI/TRR. Everyone who has attempted to discuss these issues with KI/TRR or their attorney has been disappointed and frustrated at the lack of seriousness.

In May 2014 the APCOA Board put a proposal together which reimbursed KI/TRR for cost and created a reserve fund for infrastructure repairs and equipment replacement. Although this agreement was not approved by KI/TRR, the association has been paying these proposed costs each month to support the service rendered.

In March 2017 and again in May 2017, two water leaks in the main supply water lines were located in the Anchor's Point area of the complex. In both cases KI/TRR took no actions to repair the leaks. As you may remember the March leak resulted in the Bridge View building being without water for about 3 days. The association took responsibility immediately for these infrastructure failures to get repair services on site, keep owners informed, and to pay for these services. Once the bills were accumulated, a Reimbursement Invoice was submitted to KI/TRR for payment from the Water Reserve. No reimbursement funds have been received from KI/TRR.

Due to the lack of any written agreement over all these years, the lack of any financial reimbursement, and a total breakdown of communication, the APCOA Board has filed a lawsuit against KI/TRR. The lawsuit addresses the following issues:

- An accounting from KI/TRR on the costs of operating the water system and road costs
- A written agreement for the water costs and responsibility of repair costs for infrastructure items
- A written agreement for the road costs
- A written agreement for the Kimberling City Sewer Bill
  - We do have a verbal agreement of 60% KI/TRR & 40% APCOA based on the number of units
- Reimbursement for the cost of the water leak repairs
- An Injunction to prevent any deliberate disruption of service or access

The board knows that this is a serious step and that it was not taken lightly. There must be working relationship between the association and KI/TRR in order to keep the infrastructure maintained, appropriately budget for those costs, and to protect and enhance owner property values.

The APCOA Board

Don Gish  
Joe Golding  
Ray Loehr

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