

## **1st Quarter 2010 Newsletter**

December 1, 2009

Hello Clipper Property Owners.  
Happy Thanksgiving to all of you!

**Welcome to all of our new residents (homeowners and lot owners alike):**

Mr. & Mrs. Schulz, Cuttysark  
Mr. & Mrs. Mamelli, Cutter Cove  
Mr. Zeairs, Cutter Cove  
Mr. & Mrs. Baldwin, The Palms  
Mr. & Mrs. Ulekowski, The Palms  
Mr. & Mrs. Lavigne, Vela  
Mr. Stoutz, Clipper Island Road

I am still requesting that all property owners, (especially our newest), forward to me updated contact information - telephone numbers and e-mail address if applicable.

Our prayers and thoughts go out to the Gilpin family, over the recent passing of Beth Gilpin. A great many of us remember her as a wonderful person and excellent real estate agent. She will be sorely missed.

As the curb repairs, for the most part, have been completed, the Maintenance Committee is working on bids for repairing the cracks in the streets throughout the subdivision. The criteria, of course, will be that the more severe will get first attention.

Due to the pending court proceedings and insurance issues, elections and the annual meeting will be pushed back to late January or February, 2010.

Status report of pending lawsuits:

**Joffrion v. Neupert:**

**The LA State Board of CPAs and the CPA Society issued their results in letters stating that there was no evidence of any wrongdoing on the part of Mr. Neupert, and his handling of the HOA's Accounting. (See attached letters).**

**The status of the State Action against the HOA is as follows:**

The plaintiffs, Pat Joffrion, Mickey O'Connor & Philip Hebert, withdrew their Petition in the Writ of Mandamus Action, as they

confirmed receipt of all documents requested. The Quo Warranto action was decided in favor of the defendants (the CEMHOA, Joseph Tufaro, President, Ludy Pittman, Secretary, and Barbara Zoerner, Treasurer); wherein the Judge saw no wrongdoing on their part in the handling of the election ballots. The Judge recommended that an election committee be formed, however, ballots DO NOT have to be counted at the annual meeting. The CEMHOA has in the past, and will continue to have, an election committee.

The last hearing in the state suit was held 11/16/09 which was to decide awarding of attorneys' fees. As the Judge very strongly suggested to both sides that they settle their differences before he had to hear hours of testimony; the case was settled with both sides being responsible for their own attorneys fees and court costs.

No wrongdoing was found by the court against the defendants in the state case. However, as the legal fees and administrative costs continued to mount it was thought in the best interest of all to attempt settlement as quickly and amicably as possible.

As the plaintiffs in this action sued the HOA and three of its Board of Directors; the HOA attorneys' fees (all but the \$5,000.00 deductible and those fees pre-lawsuit date of 12/29/08), have been covered by the HOA's insurance company. However, the extensive administrative costs and management fees, both before and after suit was filed by the plaintiffs in the state action; as well as legal fees before the suit was filed, have been borne by the HOA general fund.

Hopefully, by closing the book on this part of life in Clipper Estates, we will be able to put this matter behind us, and focus on the future. Enjoyment of life on the water; moving forward with various improvements to the neighborhood; and quite possibly even neighbors becoming friends again.

Status of the Federal RICO action,

filed by numerous Clipper residents against several defendants (J. Tufaro, T. Duhon, J. Neupert; Clipper Land Holdings, LLC, and Clipper Construction, LLC), with a request for immediate receivership for the HOA: The Federal Judge in the USDC, Eastern District of Louisiana, ruled in favor of the defendants, and granting their Motion to Dismiss the RICO action filed against them. The Judge's ruling stated that the plaintiffs in this suit lack standing to sue the defendants for RICO violations. A Notice of Appeal has been filed by the plaintiffs. To date, we have not received a briefing schedule in this lawsuit. As the Judge's Order and Reasons is too lengthy to include in this mailing, if anyone is interested in a copy, please e-mail me, and I will send a copy via e-mail.

### **"NEIGHBOR NEWS"**

Recent sailboat "Single Handed Race" results: In the spinnaker class, once again, congrats to resident **Kyle Bowser**, skipper of his boat, **Kokopelli**, for a first-place win.

**AND**

The last race of the fall Wednesday night races on 10/7/09 - resulted in a win for the **Sapphire** skipped by resident, Mark Palermo.

Recent Slidell Photography Club Competition netted a first place win in the apprentice class in each of the categories of nature, pictorial and photo journalism for resident **Camella Dimitri!** Ms. Dimitri, along with other winners in all classes qualified and will compete against winners from the 35-member clubs from Louisiana, Mississippi, Texas, Oklahoma and New Mexico. Congrats and best of luck in the GSCCC competition to Camella Dimitri!

**Slidell Community:** It seems as if the City is getting on board with many of the rules that our gated communities already follow. Keeping in tune with the good quality of life we enjoy on the north shore; violation notices are being handed out for issues such as high grass, inoperable vehicles, junk and trash, illegally parked boats/trailers and illegally placed real estate signs. **WHEW!** And the fines are

substantially higher than ours!! Please keep our CC&R rules in mind, as well as the beauty and cleanliness of our neighborhood!!!

**Also, a note from our ARC:**

As per some garden advice from local horticulturist, Dan Gill in a recent article: "Most cool-season bedding plants are sun-loving and will bloom best with six to eight hours of direct sun. However, a few will do well in shade to part shade with only two to four hours of direct sun. Pansy and viola will do reasonably well with about four hours of direct sun. Forget-me-knot, nicotiana and annual lobelia will brown in shady beds that get only about two hours of direct sun. Only cyclamen and primrose, however, will bloom well in full shade. All of these plants are hardy during typical winter freezes, and will bloom until next spring."

Please keep up with your landscaping and lawn duties during the winter months.

It has been brought to the attention of the HOA that a resident on Vela recently had a window broken from a rock. Considering the distance of the home from the street and the fact that the rock went through the front door glass then hit glass in a room at the back of the house; it is with utmost certainty that something was used besides one's arm to increase the velocity of the rock. This incident could have had much more serious results had a person been hit instead of glass.

If anyone else has had similar problems, please alert the HOA so we can coordinate the incident with the Sheriff's Department. If anyone hears gun shots, or what they think might even be gun shots, call the Sheriff's Office immediately, so they can come and investigate the area. For emergencies of course dial 911, however, non-emergency no. is 985-646-4141.

The HOA touched on this subject and the use of BB guns in a previous newsletter. The STPSO has informed us that the use of even BB guns in the subdivision is illegal. If caught, the STPSO will arrest and prosecute.

A few months ago sunken boats since Katrina were finally pulled up from the canals inside Clipper! Unfortunately, we could not fit pictures in this mailing, but our thanks go out to Board Member,

Ken Levy, for providing the info and pictures of the progress. This was great news for all of our mariners!

Have a safe and happy Holiday Season!

*Barbara D. Zoerner*  
*HOA Administrative Assistant*  
[bzoerner@clipperestates.com](mailto:bzoerner@clipperestates.com)