



HSVPOA Attorneys Ask Court to Dismiss PCBS Case

Description

By Joe Dowden, May 16, 2020

HSVPOA v. PCBS Part 3

As most everyone already knows, HSVPOA filed a lawsuit against PCBS on March 25, 2019.

The reason the POA cited for filing this case was for breach of contract for nonpayment of past due assessment fees. HSVPOA also requested to be awarded fees and interest.

Originally the amount of money requested by the POA was \$21,000. This amount dramatically increased to \$86,389.30 in a subsequent court filing in addition to \$8,803.93 in attorneys' fees.

[Click here to read Part 1.](#)

[Click here for Part 2, which is a summary of the case as of April 27, 2020.](#)

On May 13, 2020, Hot Springs Village Property Owners Association attorney, [Christopher A. McNulty](#) of [Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.](#) asked for the Saline County court to dismiss the POA case against PCBS, LLC.

[Click here to view the Plaintiff's Motion to Dismiss HSVPOA v. PCBS Complaint With Prejudice.](#)

The reasons given in the dismissal request were that, "the parties have resolved the matter and prosecution of this case is no longer necessary."

This latest court filing asks for the motion to be dismissed with prejudice and states that both parties will pay their own attorney fees and costs.

In the legal world, a court case that is dismissed with prejudice means that it is dismissed permanently and cannot be brought back to court.

Questions

- Was the filing of this lawsuit just one more waste of Property Owners assessments?
- How much are the total POA attorney fees associated with this lawsuit? As already stated, the amount of \$8,803.93 for attorneys' fees is mentioned in the court documents. Of course, there may possibly be additional fees accrued in the filing of this most recent motion and the subsequent tying up of loose ends. While the sum of approximately \$9,000 may not seem like much in the big scheme of things, these smaller sums do add up.
- How much HSVPOA staff time was wasted on this case? Could the time have been used in more productive pursuits?
- How long before increased assessments will be needed due to waste?

Engagement of Rose Law Firm

The engagement of [Rose Law Firm](#) by the new Board of Directors was a positive move in order to get a handle on all HSVPOA legal matters.

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