

FILED

OCT -1 2018

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

JEFFREY FORRLER,)	
)	
Plaintiff,)	
)	Cause No. 18SL-CC02951
Vs.)	
)	Division No. 2
BRENTWOOD FOREST CONDOMINIUM)	
ASSOCIATION,)	
)	
Defendant.)	

JUDGMENT

This case comes before the Court on Plaintiff's Petition for Preliminary and Permanent Injunctive relief. The parties agreed to submit the matter on trial briefs. The Court, duly advised in the premises, finds and concludes that:

1. Brentwood Forest Condominium Association held its annual Board of Managers election on June 19, 2018 for two open seats. The first place finisher receives a two-year term and the second place finisher receives a one-year term. The Plaintiff and two others were candidates for the Board of Managers. Part D - "Voting Period" of the By-Laws provides in part:

- "1. The voting period is determined by the Board of Managers and typically is held in conjunction with distribution of annual pool passes.
- 2. Notice of the voting period dates, hours and location is printed in the *ForestLine* prior to the voting period
- 3. All votes must be received by the Brentwood Forest office one day prior to the annual meeting or at the annual meeting."

The voting period ends at the Annual Owners meeting. Eligible owner votes not already cast and counted will be called for at the Annual Owners Meeting and added toward

totals already counted. Following the final count, the election results are announced and the new Board members are seated.

2. Brentwood Forest has adopted General Policies and Procedures for all political campaigns. One policy is that campaign signs may be posted no earlier than eighteen (18) days before the scheduled election.

3. In accordance with the By-Laws, a notice was printed in *ForestLine* that "Voting of owners will begin with the issuance of pool passes starting on May 14, 2018."

4. The votes of the election were counted and Jardi Schmalz received 33 votes, Plaintiff received 27 votes and Robert Bolay received 18 votes.

5. As the second place finisher, Plaintiff Jeffrey Forrler would have been entitled to a one-year term on the Board.

6. However, the Association declared Jeffrey Forrler in violation of Policy and Procedures by posting campaign signs before June 1, 2018. The Board certified the third place finisher as the winner of a one-year term on the Board.

The Court finds and concludes that:

The election began once the voting period began on May 14, 2018. Therefore, any posting of a campaign sign 18 days before May 14, 2018 does not violate the policy. The term "election" is not defined in the By-Laws, so a reasonable interpretation of the term as used here is when the voting begins. It is illogical to limit the term to the date the votes are cast since votes could be cast before the campaign began. Therefore, signs could be posted any time after April 26, 2018.

There is no evidence that Mr. Forrler had signs posted before April 26, 2018.

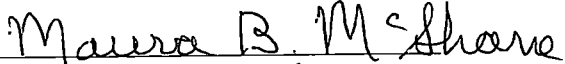
Therefore, the results of the election were valid.

Jardi Schmalz received 33 votes and was elected to a two-year term. Jeffrey Forrler received 27 votes and was elected to a one-year term. Robert Bolay received 18 votes.

It is Ordered and Decreed that:

1. The Association's Board of Managers disqualification of Jeffrey Forrler is null and void.
2. Jeffrey Forrler shall be seated for the one-year term in the 4th Ward forthwith.
3. It is declared that Robert Bolay was not elected and the Board's attempt to seat him is null and void.
4. The Board shall rescind the \$100 fine assessed against Jeffrey Forrler.
5. The Court does not assess attorney fees.
6. Costs assessed against the Defendant.

SO ORDERED:


Maura B. McShane, Judge
Division No. 2

Date: 10/1/18

Cc: Trenton K. Bond
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Attorneys for Plaintiff

Meghan Prideaux
Attorney for Defendant