

June 26, 2020

Dear Neighbors,

During these times, it's crucial we continue to look out for each other. Since the start of Covid-19, the Southern Woods West Board has been determining the most efficient and effective way for all members of the HOA to stay safe while enjoying the pool area this summer.

While we understand everyone is eager to use the pool, we would like to provide clarity on why we have not opened.

Currently, the ongoing issue of opening the pool pertains to liability. The liability stems from any insurance company, including our current provider, not having precedent for any costs associated with a Covid-19 related lawsuit. The liability therein lies with each homeowner.

Naturally, the HOA has executive insurance protection to combat any lawsuits, if someone decides to sue us and Covid-19 is mentioned, our insurance will dissolve, and we would have zero protection. A court or jury is going to look at all the safety measures and protocols that were or were not implemented collectively, to determine if and to what extent the Association was negligent and ultimately liable for any damages. There is no one, single protocol in and of itself individually, which will be the sole determining factor. The liability waiver is certainly one of the protocols, but it will not, by itself, be our saving grace or determining factor as to whether the Association was negligent and liable for damages.

With knowledge that our insurance will not protect us in a covid-19 related lawsuit, every member of the Southern Woods West Homeowner's Association would be financially responsible to pay for the costs incurred (legal fees, settlements, etc). The Board feels it's unfair to put any homeowner at risk of potentially having an assessment placed on their account.

The Board is fully aware that select neighboring HOA pools have opened while others have remained closed. We have had many conversations with neighboring community boards and each has struggled with the potential risks and its decision.

Regretfully, at this time, the Southern Woods West Pool will remain closed.

However, in the event the liability of HOA's are lessened, we are prepared to open.

- Pool keys are ready for activation.
- Pool attendants are being hired.
- New pool rules have been drafted.
- Sign up/Reservation method is being created.

We truly appreciate your patience and understanding during these times.

Thank you,

Southern Woods West Board of Directors