

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
CIRCUIT )

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL

Bonnie Brae Homeowners )  
Association, Inc., )

CIVIL CASE NO. 2016-CP-23-06406

Plaintiff, )

vs. )

**AFFIDAVIT**

HOA Community Management, LLC and )  
Charlene Rice, Jeff Dumpert, )  
Tim Roach, Janine Wyman, Julie Hrobsky, )  
Jason Resotka, and Donald Peake, )

Defendants. )

PERSONALLY appeared Roman Kanach, who, being duly sworn, deposes and says that he is a member of the Bonnie Brae Homeowners' Association, Inc. ("Association"). On March 10, 2017, I, Roman Kanach, attended the court ordered meeting of the Bonnie Brae Homeowners' Association.

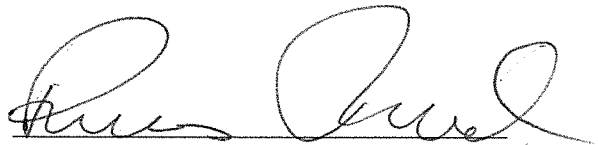
I am the legally elected President of the association, elected at the special meeting held in April 2016. The meeting on March 10, 2017, which was ordered by the court, was supposed to be run by both parties involved in the law suit. This was not the case. The defendants arranged the meeting location, decided the terms of the meeting, and conducted the meeting without our (the plaintiff's and plaintiff's attorney's) participation. This was not in the spirit of what the court ordered. The check in was supposed to be handled by the attorneys of both sides, in fact it was handled by defendant Charlene Rice and board nominee Ashley Lawton (who was the lady who

attacked other homeowners and prevented us from collecting proxies) and the attorney for the plaintiff was not allowed to assist with check-in, verification, nor was he allowed to hold and verify the proxies submitted by the defendants. Charlene Rice and Ashley Lawton were also in charge of the vote counting. Again, this was supposed to have been handled by the attorneys.

The majority of proxies I collected and gave to our attorney Michael Dodd, were rejected by Charlene Rice with no explanation as to why. The defendant's proxies are illegal under South Carolina law as they do not contain information which is required, yet Charlene Rice permitted every one of the defendant's proxies. Our attorney Michael Dodd was only permitted to look at the proxies, while they were held by someone else, and was not given time to verify them against the homeowner list used by the defendants at the meeting on March 10. In fact, Mr. Dodd was only permitted to stand behind Ms. Rice while verification took place and votes were counted. Mr. Dodd never had any opportunity to verify the homeowners in attendance, the proxies submitted, and the votes actually cast in person at the meeting. Further, he was only allowed to stand in the back of the room in the corner or outside the room in the doorway while the meeting took place. I set up a recording device and when the officer questioned me about it, I told him I was recording it for our attorney and the court and he was fine with that. Charlene Rice then instructed him to prevent me from recording. The defendants were permitted to record the meeting, but have refused to turn over a copy of this under discovery. Mr. Oates the attorney for the defendants proceeded to inform the members about the lawsuit. He gave incorrect information regarding several points, including the discovery process. Mr. Dodd was not permitted to give the plaintiffs side of the argument. Charlene Rice presented the financial information at the meeting, even though this is something the association's treasurer is required to do. The information she gave, and the handout given to homeowners at check-in were

modified versions of the actual documents given to the plaintiffs in discovery. The associations trading loss of \$9,000 was removed and figures were manipulated to show a net income of \$54,513 profit. The average homeowner would not understand, nor was it readily apparent from the information presented how the accounting records were manipulated to avoid showing the loss caused by the defendants paying their legal expenses from the association's bank accounts. Rice also handed out a doctored screenshot from our association website which was modified from "The judge has now ordered a COURT ORDERED MEETING to be managed by the attorneys" to "The judge has now ordered a COURT ORDERED MEETING to be managed by the attorney (sic)" This is clearly an attempt to mislead the members to believe that only one attorney, Mr. Oates was ordered to run the meeting by the court. During the meeting, other people were allowed to speak up and ask questions, every time I tried, Charlene Rice instructed the Sheriff's office to stop me. When it was time for me to have the floor for my 3 minutes, I was interrupted many times, and the officer was never instructed to intervene and stop the people interrupting me. The same applied to all of the other board members, Richard King, Tom Wells, Nancy Gresham, and Trish Crocker. At the end of the meeting, the ballots were collected and an additional member wanted to run (a pastor), several members said they wanted to vote for him, and additional ballots were handed out. It is not clear if some people were given two ballots as no ballots were handed back to the members. The ballots were then counted by Rice and Lawton, but totals were never revealed. As Rice announced the "winners" which of course were all of the former board members, plus the two additional board supporters, she punched the air after stating each one's name. I witnessed Rice dancing through the room singing "we won, we won, it's over, it's over".

Once people started to leave the meeting, Rice handed the plaintiff attorney a letter, pre-written by the defendants, instructing him that they wanted the case dismissed as they were now the board. This meeting was conducted in a biased, one sided, illegal manner and violated not only the plaintiff's first amendment rights, but the democratic election process and South Carolina Law.

BY:   
Roman Kanach

SWORN to before me this

1 day of April, 2017



Notary Public for South Carolina

My Commission Expires: 5/20/2026

