

L'Esprit Neighbors,

Most of you were approached last spring to change our L'Esprit Master Declaration. That amendment was approved so since mid-May 2025, every new subdivision application must have lots which are no less than five acres.

Summarized below is my initial understanding about a recent written request for a subdivision in Henry County, curiously submitted on a non-subdivision application form and signed by the applicant on October 8, 2025. I've not received any response from LPOA volunteers about whether the five-acre minimum will be enforced, as well as why they accepted a non-subdivision application.

Please conduct your own due diligence and decide for yourself. A copy of this email is posted on www.ourspiritcommunity.com.

By board vote on June 14, 2022, Sunanza, Inc.'s LPOA Major Subdivision Application Form for Old Sligo Farm Estates wasn't approved. This proposed subdivision encompassed combined acreage in both Oldham and Henry Counties. There wasn't a separate application for each county.

Some 14 months later (August 23, 2023) a letter from Sunanza's attorney to LPOA stated, in part, *"...I would ask that the Board confirm by no later than August 30, 2023 that the Board is in*

*agreement that Sunanza may proceed with the **Henry County portion** of the previously presented development.” (emphasis added)*

The board’s attorney replied by letter (August 30, 2023), stating in part, “...**the Board is not in agreement** that Sunanza, Inc. may proceed with development of that portion of L’Esprit Subdevelopment located in Henry County, Kentucky”, and, “First, **Sunanza, Inc. has not expressly applied for approval for the Henry County portion** of its subdevelopment, and it is invited to do so.” (emphasis added)

In Fall 2023, Sunanza filed in Henry County Circuit Court a legal complaint against LPOA. This action sought declaratory and injunctive relief for Sunanza to develop its 120-acre portion in Henry County without submitting a new LPOA Major Subdivision Application Form, even though Sunanza had been advised by LPOA that no application had yet been submitted, “...for the Henry County portion...” As stated above, Sunanza’s previous application for a subdivision encompassed combined acreage in both Oldham and Henry Counties.

Fast forward two years when LPOA volunteers agreed to a legal settlement on our corporation’s behalf just days before a jury trial. I’m personally not aware of any new facts that compelled these volunteers to enter into a last-minute settlement, as opposed to avoiding or resolving this litigation from the outset. Regardless, they assert the settlement is confidential, meaning the estimated 98^{+/-}

percent of us (members) not on the board aren't allowed to know the binding terms, even though we're all corporately responsible.

Starting last November, I requested via email some basic clarifications, as well as a copy of a new application supposedly submitted by Sunanza after this 'confidential settlement'. I instead received an email response on January 6th from the board's attorney that read, in part, *"Please contact me at my office number below to set up a time to come and inspect the **recently approved Henry County subdivision application** filed by Mark Suna's company. The Board and ACC cannot answer any of your questions in that regard as it was approved in accordance with a Confidential Settlement Agreement which precludes any such discussion."* (emphasis added)

I trekked to this attorney's office in Jefferson County to exercise my member right under Article X of our bylaws to inspect LPOA records. If you're interested, please contact him (Richard Hornung 502-429-9790) to schedule a time to do the same.

Here's what the board's attorney permitted me to inspect but wouldn't provide as a copy --- signed on October 8, 2025, Sunanza requested a Henry County-only subdivision in L'Esprit. Inexplicably, though, this new request wasn't submitted on the LPOA Major Subdivision Application Form that, among numerous other provisions, discloses minimum lot size. The plan/plat enclosed with this non-subdivision application indicates that not all tracts will be a minimum of five acres.

[Note: As a former board member, I don't know why volunteers accepted this new non-subdivision application. I emailed LPOA President Rollo Fox for clarification. He didn't respond.]

There is a scanned signature page that shows architectural control committee approval, but no corresponding proof of official board action. The Declaration requires that the board must approve a subdivision, and board decisions are codified in their corporate board minutes. I emailed LPOA President Rollo Fox for clarification. He didn't respond.

In conclusion, we deserve full transparency from volunteers regarding their decisions on this Henry County-only subdivision.

Kindest regards,

John Underwood – Tract 152-1
ogimaa@ourspiritcommunity.com
www.ourspiritcommunity.com