

# *Bay Tree Lakes*

## *Property Owners Association*

### **Board Meeting Minutes**

**October 15, 2015**

The monthly meeting of the Bay Tree Lakes (BTL) Property Owners Association (POA) Board of Directors (Board) was held in the Clubhouse on Thursday, October 15, 2015.

Four of the Board members were present: Charles Atkinson, John Ciccarelli, Bob Latham, and Junior Rideout. Troy Votaw was unable to attend. POA Clerk Tish Herrmann, POA Property Manager Jim Crayton and Assistant Secretary Hank Howell also were in attendance. Property owners in attendance were Scott Smith, Cathy Ross, Jeanne Dellinger, Tim Dellinger, Larry Barnes, Brenda Barnes, and Debbi Kettle.

President Charles Atkinson called the meeting to order at 7:05 pm and welcomed all POA members to the meeting. Mr. Atkinson then asked Bob Latham to provide us with the invocation.

**Approval of Prior Meeting Minutes (September 17, 2015):** A motion to approve the minutes of the monthly meeting was made by Junior Rideout, seconded by John Ciccarelli. Unanimous affirmative vote by those present. These minutes will be posted on the BTL POA website, [www.baytreecommunity.com](http://www.baytreecommunity.com).

**Approval of Prior Month's Financial Report (September 2015):** Report was presented by Treasurer John Ciccarelli and is attached herein as Exhibit B. Motion to approve was made by John Ciccarelli and seconded by Junior Rideout. Unanimous affirmative vote by those present was made.

Financials as of September 30, 2015:

Operations Checking:	\$ 66,831.60
Second Checking	\$ 5,490.17
Pool Checking:	\$ 12,676.64
Money Market:	\$ 55,820.73
Total Monies:	\$140,819.14
Pool Loan Principal:	\$334,593.68
ADA Contract Principal:	\$109,494.55

**POA Clerk's Report (September 2015):** The report was presented by Tish Herrmann, and is attached herein as Exhibit C. Main discussion centered on the collection of nearly \$4,000 of delinquent dues since letters were sent to delinquent property owners on October 1<sup>st</sup> and the loss of over \$3,000 due to foreclosure on one lot by a bank holding a mortgage on the property. A question was raised as to whether that \$3,000+ could be collected via the Small Claims Court process, even though the former property owner lives out of state. Motion to approve the report was made by Junior Rideout, seconded by John Ciccarelli. Unanimous affirmative vote by those present.

**Property Manager's Report (September/October)** The report was presented by Jim Crayton and is attached herein as Exhibit D. Motion to approve was made by Junior Rideout, seconded by Bob Latham. Unanimous affirmative vote by those present.

### **Old Business:**

**ARC Development.** President Atkinson has been unable to progress this item with Mr. Steve Jones, Jr. They have discussed it several times, but Mr. Jones displays varying reactions and no conclusions, yet. Mr. Atkinson asked the Property Manager to draft a proposal for the makeup and procedures for an Architectural Review Committee to be presented to Mr. Jones for acceptance.

**Boat Lift Modifications.** The status of the Horsepen lift was covered in the Property Manager's report. The Board asked that the Property Manager locate another engineer to do the work needed for the main lake boat lift in lieu of Mr. Bagley who has not responded to requests.

**Clear Drainage Ditch on Horsepen.** The status of this issue was covered in the Property Manager's report.

**Requests for Copies.** The existing Member Privacy and Confidentiality Policy had been modified to reflect the requirement from the N.C. Nonprofit Corporation Act to allow a member to copy certain documents, including membership lists. The modified document had been reviewed by Board members and was presented for discussion. Junior Rideout moved that the revised policy be approved and the motion was seconded by Bob Latham. Unanimous affirmative vote by those present. A copy of the policy is attached herein as Exhibit E and will be made available on the POA web site.

**Golf Carts and ATV's in Bay Tree Lakes.** These policies were approved with modifications at the previous Board meeting. The properly modified policies had been reviewed prior to this meeting by all Board members. Bob Latham moved that the Board accept the Bay Tree Lakes Golf Cart Rules and Regulations, seconded by Junior

Rideout. Unanimous affirmative vote by those present. A copy is attached herein as Exhibit F. Bob Latham moved that the Board accept the Bay Tree Lakes Off Highway Vehicles (OHV) Rules and Regulations, seconded by John Ciccarelli. Unanimous affirmative vote by those present. A copy is attached herein as Exhibit G.

**Foreclosures/Liens of Properties.** As mentioned as part of the Clerk's report, first letters were sent to all delinquent property owners not previously considered for liens or foreclosures. A second letter will now be sent to all of those that did not respond to the first letter. A third letter had been sent to one property owner and it got positive results. However, that letter permitted the property owner to avoid paying legal fees if the full amount was paid within 15 days. Thus, the POA did not realize the full amount due since it had to pay the lawyer for his actions. The Board objected to this and asked that Bob Latham convince the lawyer that legal fees incurred should be collected from the property owner, and revise the example in the policy to reflect this change.

There also was discussion concerning the lack of specificity for charges from the lawyer. At the Board's request, Mr. Latham agreed to get the lawyer to provide a statement of charges periodically, identifying the issue, and any amounts paid and/or unpaid.

**Lot Maintenance Policy.** Jim Crayton presented a revised, shortened version of the Lot Maintenance Policy for the Board to approve. The revised policy had not been reviewed by the Board members prior to the meeting so a number of questions were raised for clarification, primarily relating to the requirement for grass cut to “a uniform 3” maximum height” and bushes that border walkways be trimmed back “at least 3 feet.” No motion to approve was forthcoming so the issue was held over for consideration at the next Board meeting.

**Short Term Rentals.** Bob Latham presented a proposed Bay Tree Lakes Rental Policy. It was based on a draft produced by John Shaw and modified by Mick Robeson over a year ago. Some Board members were concerned with the proposal to charge a fee to renters of six months or more to use the pool or exercise facility and forbidding use of those by renters of less than six months. Along with that, the question of issuing gate cards and/or stickers was discussed. Mr. Latham was asked to work on a revised policy and Board members were asked to email suggestions to Mr. Latham.

**Yard Waste Trash Pile Burning.** This issue was addressed as part of the Property Manager's Report (see above). The burning has been completed, at a price less than the original quote. Mention of the Yard Waste Pile prompted comments that some gate codes are being abused, primarily those issued to contractors, some of whom may be bringing in debris from sites other than Bay Tree Lakes. Mr. Atkinson asked the Property Manager to bring up the gate policy for review at the next Board meeting.

**Sealing Cracks In The Roads.** As reported as part of the Property Manager's report, one contractor, Diamond Constructors Inc., has bid on a number of efforts related to repair and improvement of our road surfaces. The Board asked Mr. Crayton to obtain additional bids and to complete the bid from Diamond. Debbi Kettle informed the Board that there are some significant pot holes on Bay Ridge Road that need patching before the cracks are sealed.

**Small Claims Court Alternative:** Analysis of using Small Claims Courts as an alternative to the current procedure of collecting delinquent dues revealed a number of troubling steps in that process. Key among them were the requirement in North Carolina that the claim must be filed, in person, in the county of residence of the defendant. It is presumed that a similar requirement exists for each state and since many of our delinquent owners live outside Bladen County and North Carolina, this would become a very complex and potentially expensive alternative. The Board concluded that the current process is showing favorable results and that it should remain the preferred alternative.

**Dues Collection Policy:** The new Dues Collection Policy has been in effect even though the corrected copy had not been formally approved by the Board. The proper copy, in draft form, was provided to the Board prior to this meeting. Junior Rideout moved that this version be approved, with the proviso that the Third Letter Example will be changed to show that lawyer's fees are to be collected from the property owner once incurred. Bob Latham seconded and the motion passed by an affirmative vote by all those present. That version (with the corrected Third Letter Example) is attached herein as Exhibit H.

**New Business:**

**Other Business:**

There being no further business, a motion to adjourn was made by Junior Rideout, seconded by Bob Latham, and passed at 8:36 pm.

Respectfully submitted,

Bob Latham  
Secretary

**Exhibit A**

***Bay Tree Lakes***  
***Property Owners Association***

**Board of Directors Meeting Agenda**

**October 15, 2015**

Call to Order and Welcome Members and Guests	Charles Atkinson
Invocation	Bob Latham
Approval of Prior Meeting Minutes (September 17, 2015)	Bob Latham
Approval of Prior Month's Financial Report (September 2015)	John Ciccarelli
POA Clerk's Report (September 2015)	Tish Herrmann
Property Manager's Report (September/October 2015)	Jim Crayton

**Old Business:**

1. ARC Development	Charles Atkinson
2. Boat Lift Modifications	Jim Crayton
3. Clear Drainage Ditch on Horsepen	Jim Crayton
4. Contracts/Lists Copies for Members [Member Privacy and Confidentiality Policy]	Charles Atkinson
5. Bay Tree Lakes Golf Carts Rules & Regulations	Bob Latham
6. Bay Tree Lakes Off Highway Vehicles Rules & Regs	Bob Latham
7. Foreclosures/Liens of Properties	Bob Latham
8. Lot Maintenance Policy	Jim Crayton

- |     |                                |             |
|-----|--------------------------------|-------------|
| 9.  | Short Term Rentals             | Bob Latham  |
| 10. | Yard Waste Trash Pile Burning  | Jim Crayton |
| 11. | Sealing Cracks In the Roads    | Jim Crayton |
| 12. | Small Claims Court Alternative | Bob Latham  |

**New Business:**

**Other Business:**

**POA Member Comments:**

- ~ **Please note that POA members that would like to share comments must be recognized by the Presiding Officer.**
- ~ **Please note also that individual comments will be limited to three (3) minutes.**

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## Exhibit B

### Bay Tree Lakes Property Owners Association Profit and Loss – September 2015

	<b>TOTAL</b>
<b>Income</b>	<b>(\$)</b>
Non-Profit Income	
Dues	3,515.33
Gate Access	1,005.00
Pool	1,236.00
Rental	400.00
Total Non-Profit Income	6,156.33
Total Income	6,156.33
<b>Expenses</b>	
Building Cleaning	600.00
Building Fire Protection	75.00
Cost of Labor	
Asst Pool Operator – JA	220.00
Certified Pool Operator	370.00
Clerk	600.00
Prop. Mgr. Travel	200.00
Property Manager	800.00
Total Cost of Labor	2,190.00
Funds Transfer	
Interest Paid Pool	1,493.83
Principal Paid Pool	3,803.21
Total Funds Transfer	5,297.04
Gate	821.98
Grounds	
Mowing & cleaning	1,475.00
Total Grounds	1,475.00
Meals and Entertainment	2,123.36

Office Expenses	
Bank Charges	13.95
Quick Books Online	26.95
Supplies	53.82
Telephone	330.07
Total Office Expenses	424.79
Repair & Maintenance	
Boat Lift	12.81
Clubhouse	28.81
Pool	580.37
Total Repair & Maintenance	621.99
Utilities	
Electricity	1,350.30
Water	52.03
Total Utilities	1,402.33
Total Expenses	15,031.49
Net Operating Income	-8,875.16
Other Income	
Interest Earned	15.66
Total Other Income	15.66
Net Other Income	15.66
Net Income	-8,859.50

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## **Exhibit C: Clerk's Report**

From the Clerk

### **October 15, 2015**

September 30, 2015	Outstanding Dues	\$31,580.95
September 30, 2015	Credit Balance	\$ 4,498.80

### **Billing October 1, 2015**

Billable 457.5 Lots	\$64,507.50
Outstanding Dues	31,580.95
Interest	<u>947.28</u>
Total	\$97,035.73

### **Lots reported sold September 2015**

<b>Buyer</b>	<b>Lot</b>	<b>Home</b>	<b>Seller</b>
The Caper Corporation	90	Wilmington, NC	First Community Bank
Bank of America	127	Richardson, TX	John Young*
*Foreclosure	November 4, 2014		
Information Received	September 2015		
Lost Revenue	\$3,090.68		

### **Billable Lots 457.5**

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## **Exhibit D      Property Manager Report Sept. - Oct. 2015**

1. I have issued only a few windshield stickers this month. Most of the gate work has been in relation to adding cell phone numbers and there have been a number of those.
2. I contacted Red Mote about the ditch on Horsepen Drive and he says we need to locate the underground wiring, etc...before he can give us a price. We are in the process of getting that done. That ditch did not cause any noticeable problems during the recent rains.
3. You may have noticed the addition of boards on top of the dam. This was done by Red at Lake Creek's direction. Apparently they are going to try to lower the canals somewhat to facilitate better drainage on S. Horsepen which flooded during the recent rains. The lake was at +9" right after the rains stopped.
4. Red has also completed burning the debris plies and I was able to get him to do it for \$1,500 which was a reduction of what he originally quoted.
5. We have had more complaints about beavers and USDA is working on the problem. Apparently there is one remaining female beaver and they are not as easy to trap as the males.
6. The Horsepen lift project is ongoing. Mike Smith of SmithCo has made several visits and attempts to fix the lift. I talked to Mike today and he still does not have the manual for the lift that he ordered from the manufacturer. He does have the replacement parts he ordered and he will be here tomorrow to try to complete the project. I have been unable to get Lake Creek's copy...they say they can't find it.
7. I worked with Hank on the revision of the Lot Maintenance Policy and it is ready for your consideration. We have tried to make the wording easily understandable and enforceable.
8. We are getting very good coverage from our Sheriff's Dept. They are coming thru on a regular basis. I talked with Sheriff McVickers this morning and I think we will get some help from his deputies with our noisy dog problem. He came through

the community with two of his senior deputies. The other dog related issues seem to be taken care of.

9. We are beginning to see some new construction. We have a new house going up on East Island, another on S. Horsepen ready to start, a renovation project on Blue Heron started today and several pier/dock projects underway.
10. The pool is closed for the season. Since people are still using the beach, I plan to close the cabana a little later (before the first freeze) and we will do winterization on both at that time. FYI, Donovan has had some relatively minor surgery on his back and I would like to schedule a work session soon to help move the furniture inside. It's not heavy, just awkward.
11. I had Tish send letters to three property owners about some appearance/clutter issues and I would like to discuss that after the meeting and solicit your guidance.
12. Finally, you should have copies of the proposals from Diamond Constructors on the crack sealing and road repair projects. I contacted them because they were to low bidder in the previous project. The purpose of getting their quote was to establish a financial ball-park for the scope of the project. If we decide to do the project we will get more bids if that is your desire. They were however, significantly cheaper than anyone else on the last project.

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# **Exhibit E**

## **Bay Tree Lakes Property Owners Association**

### **Member Privacy and Confidentiality Policy**

#### **We Respect and Safeguard Your Privacy**

A member's trust is our greatest asset and is of utmost importance to us. We respect your right to confidentiality and work diligently to preserve your trust in us. Be assured that we have never sold any of our members' information nor have shared nonpublic personal information except as required or permitted by law. We have and shall continue to apply this important practice.

#### **What Information We Collect**

When providing services to each property owner as well as the Property Owners Association, we may collect nonpublic information about you from the following sources:

- Information we receive from you on applications or other forms – be it oral, written or electronic, such as but not limited to: your name, address, telephone number, assets, etc.
- Information about your transactions with us such as but not limited to: your account balance, payment history, etc., and
- Information we receive from third parties to assist us in serving our members such as but not limited to employment, credit history, etc.

#### **What Information We Disclose**

We do NOT disclose any nonpublic personal information on either our current members or former members, except as permitted or required by law.

#### **Disclosure As Permitted by Law**

We are permitted, under law, to disclose nonpublic personal information about you in certain circumstances. For example, we may disclose nonpublic information about you to such third parties to assist us in servicing your account or account data with us, or to government entities as required, such as but not limited to: in response to subpoenas, and to credit bureaus. In addition, we may disclose all of the information we collect, as described above, to service providers that perform services on our behalf, such as companies that provide data processing, that process payments and that assist in collection of dues and assessments.

#### **Disclosure To Members**

A member is entitled to inspect and copy, at a reasonable time at the BTL POA office, if the member's demand is made in good faith and for a proper purpose described with reasonable particularity, the following:

- Minutes of meetings of members and of the Board of Directors
- Accounting records of the POA, and
- The current membership list

Without consent of the Board, a membership list, or any part thereof, shall not be used for solicitation, for any commercial purpose, or sold to or purchased by any person. Unless incorporated into minutes, contracts issued by the POA Board will not be disclosed.

#### **Our Security and Confidentiality Procedures**

We maintain physical, electronic and procedural safeguards to protect our members' information. We restrict access to your personal and account information to those employees who need to know that information to provide services to you.

#### **Contact Us**

All requests for information must be submitted in writing to the BAY TREE LAKES PROPERTY OWNERS ASSOCIATION BOARD OF DIRECTORS. Submittals must be received 10 days prior to the regularly scheduled Board meetings held on the third Thursday of each month. The Board of Directors will determine what, if any, information is to be disclosed on a case by case basis. No other employee or officer shall release any information without the prior written consent of the Board of Directors.

**Our Commitment to You**

We shall continue our dedication to safeguarding your privacy.. Should you have any question or concern regarding this policy, please contact the President of the BTL POA at 640 Bay Tree Drive, Harrells North Carolina 28444.

**BAY TREE LAKES PROPERTY OWNERS ASSOCIATION**

**Member Privacy and Confidentiality Policy**

**Procedural Safeguards**

1. The BTL POA Office will be locked with two locking devices (Door knob lock and one inch throw dead bolt lock).
2. BTL POA Office keys: There will be seven keys and seven keys only to access the Office. Keys will be for the use of the BTL POA Board of Directors (5), the BTL POA Clerk (1) and the BTL POA Property Manager (1). There will be no duplicate keys made to this office.
3. The BTL POA Property Manager shall collect keys from outgoing Board of Directors members and assign keys to new Directors after the annual meeting of POA members.
4. At no time will any Director or employee allow unsupervised activity of another party in the POA Office, for activities by parties such as but not limited to a POA member, computer service providers, telephone service providers, contractors, etc.
5. All written information will be stored in a locked filing cabinet and all electronic information will be secured by password(s).
6. No files written or electronic may be removed or copied from the POA Office without the expressed written consent of the BTL POA Board of Directors.

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# **Exhibit F      Bay Tree Lakes Golf Cart Rules and Regulations**

## **Registration**

All golf carts must be registered for operation within Bay Tree Lakes. Contact the Property Manager at 910-670-1500 to register your golf cart. Registration requirements are:

1. Person registering the golf cart must be a Bay Tree Lakes property owner.
2. The cart must be registered to a physical Bay Tree Lakes address.
3. The cart must have an identification number (equivalent of an auto VIN #).
4. The cart must have two operating front headlights and two operating taillights visible from a distance of 250 feet, a rear vision mirror, a parking brake, a windshield or equivalent for displaying the registration decal.
5. The registration decal shall be permanent and must be visibly displayed on the cart.
6. Guests bringing a golf cart to Bay Tree Lakes must obtain a temporary registration placard before using the cart in Bay Tree Lakes.

## **Operating Requirements**

1. The golf cart operator shall obey all traffic and speed limit signs.
2. The golf cart must be kept in good repair and must continue to meet the safety requirements imposed at registration.
3. The golf cart must have an occupant at least 16 years of age.
4. Loud, disruptive or profane music from golf carts is not permitted.
5. No person shall operate the golf cart under the influence of alcohol, any controlled substance, or prescription or non-prescription drug that impairs vision or motor coordination.
6. The golf cart operator and all occupants must be seated when the cart is in motion.
7. Lost or stolen registration decals are the responsibility of the cart owner and must be replaced before further operation.

## **Liability**

The registering property owner may permit other family members or guests to operate the cart but the registering property owner shall remain responsible for operation of the cart within the requirements stated in this document. The registering property owner shall maintain liability insurance at a level compliant with North Carolina law.

**Enforcement**

Any property owner observing improper operation of a golf cart may report same to the POA Property Manager for investigation. If the investigation concludes that the cart was operated in violation of the rules herein the following actions will be taken:

1. For a first offense a letter will be sent from the POA to the cart owner reminding him of the golf cart rules.
2. For a second offense a fine of \$200.00 will be assessed.
3. A further offense will result in de-registration of the cart.

**Signature**

By signing this document I agree that I am a Bay Tree Lakes property owner and that I am responsible for operation of the registered golf cart in compliance with all requirements of this document.

\_\_\_\_\_  
**Property Owner Name (Print)**

\_\_\_\_\_  
**Property Owner Signature**

\_\_\_\_\_  
**Property Owner Address**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Month/Day/Year**

\_\_\_\_\_  
**Identification Number**

**10/15/2015**

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## **Exhibit G**

### **Bay Tree Lakes Off Highway Vehicles (OHV) Rules and Regulations**

For purposes of these regulations, OHV's include ATV's, UTV's, Dirt Bikes and the like.

#### **Registration**

All OHV's must be registered for operation within Bay Tree Lakes. Contact the Property Manager at 910-670-1500 to register your OHV. Registration requirements are:

1. Person registering the OHV must be a Bay Tree Lakes property owner.
2. The OHV must be registered to a physical Bay Tree Lakes address.
3. The OHV must have an identification number (equivalent of an auto VIN #).
4. The OHV must have two operating front headlights and two operating taillights visible from a distance of 250 feet (one each for two-wheeled OHV's), a rear vision mirror, a parking brake, a windshield or suitable surface for displaying the registration decal.
5. The registration decal shall be permanent and must be visibly displayed on the OHV.
6. Guests bringing an OHV to Bay Tree Lakes must obtain a temporary registration placard before using the OHV in Bay Tree Lakes.

#### **Operating Requirements**

1. The OHV operator shall obey all traffic and speed limit signs. Since operation of OHV's on the residential streets of Bay Tree Lakes can be very disruptive due to their noise level, most OHV operation should be restricted to the unpaved areas well back from the residential area. When operated in the residential area the speed should be slow to lessen the noise level of the OHV. High speed operation of OHV's in the residential area is strictly prohibited.
2. The OHV must be kept in good repair and must continue to meet the safety requirements imposed at registration.
3. OHV drivers shall be at least 8 years of age. An OHV driver less than 16 years of age can only drive when under direct visual supervision of a person 18 years of age or older, and then only with permission of the driver's parent or legal guardian.
4. Loud, disruptive or profane music from OHV's is not permitted.
5. No person shall operate the OHV under the influence of alcohol, any controlled substance, or prescription or non-prescription drug that impairs vision or motor coordination.
6. The OHV operator and all occupants must be seated when the OHV is in motion.

7. Lost or stolen registration decals are the responsibility of the OHV owner and must be replaced before further operation.

**Liability**

The registering property owner may permit other family members or guests to operate the OHV but the registering property owner shall remain responsible for operation of the OHV within the requirements stated in this document. The registering property owner shall maintain liability insurance at a level compliant with North Carolina law.

**Enforcement**

Any property owner observing improper operation of an OHV may report same to the POA Property Manager for investigation. If the investigation concludes that the OHV was operated in violation of the rules herein the following actions will be taken:

1. For a first offense a letter will be sent from the POA to the OHV owner reminding him/her of the OHV rules.
2. For a second offense a fine of \$200.00 will be assessed.
3. A further offense will result in de-registration of the OHV.

**Signature**

By signing this document I agree that I am a Bay Tree Lakes property owner and that I am responsible for operation of the registered OHV in compliance with all requirements of this document.

\_\_\_\_\_  
**Property Owner Name (Print)**

\_\_\_\_\_  
**Property Owner Signature**

\_\_\_\_\_  
**Property Owner Address**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Identification Number**

**10/15/2015**

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## **Exhibit H**

### **BAY TREE LAKES PROPERTY OWNERS ASSOCIATION**

#### **DUES COLLECTION POLICY**

All Property Owners Association (POA) membership dues will be billed for each lot (or lots) on a quarterly basis. The POA clerk will mail membership dues bills before the fifth (5<sup>th</sup>) day of the following months: January, April, July and October. Dues are payable upon receipt of the bill. Should the member elect to pay dues semi-annually or annually, they must be paid in advance.

All unpaid dues will be subject to interest charges at an annual rate of 12%. Interest will be added to all unpaid balances quarterly.

The POA clerk will present a financial report of all members' account status at the end of each quarter.

In the event a member's check should be returned for any reason, such as, but not limited to, NSF, Account Closed, etc., there will be an additional fee of \$25.00 charged to the member for collection expenses.

Should a member not remit dues in a timely manner, the POA Clerk will notify the POA Board of Directors in writing of all delinquent accounts. After an account is two quarters or 180 days delinquent, the POA President will send the member a letter advising that the member's dues are past due and that the POA member's privileges are suspended. This letter will give the member ten days to pay the outstanding balance. (This letter will be referred to as the "First Letter.")

Should the member not respond or pay the outstanding balance within ten days from the date of the First Letter, the POA President will send another letter, certified with return receipt requested, advising the member that the account is still past due and the member must remit the outstanding balance within ten days or the account will be turned over to the POA attorney for collection. (This letter will be referred to as the "Second Letter.")

Should the member not pay the outstanding balance or respond within ten days from the date of the Second Letter, the POA President will send notification to the POA attorney to collect the outstanding balance, including interest, all legal fees and administrative costs. This letter from the attorney will be sent certified mail return receipt requested.

(This letter will be referred to as the “Third Letter.”) Additionally, the POA Board will ask the attorney to file a lien on the member's property. Said lien will remain on the property until all POA dues and cost of the action are paid in full. Should the property owner fail to respond to the letters or make payment for outstanding dues within the above allotted times, the POA may bring foreclosure on the property for non-payment of dues. In the event of a foreclosure, all past due dues, and interest and all costs incurred, including but not limited to cost of mail, certified mail, administrative costs as well as attorney fees will be collected from the foreclosure.

There will be no exceptions to this policy unless the majority of the POA Board of Directors approve a modification.

### **Fee and Payment Schedule**

Current Dues Structure:

POA Dues:	Thirty-five Dollars per month (\$35.00)
Pool Assessment:	Twelve dollars per month (\$12.00)

Payment Due Dates for Membership dues and Pool Assessment as follows:

Quarterly:            \$141.00  
Payable upon receipt of bill, January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup>

Semi-Annually:    \$282.00  
Due on January 1<sup>st</sup> and July 1<sup>st</sup>

Annually:            \$564.00  
Due on January 1<sup>st</sup>

Revised October 15, 2015

First Letter Example

**Bay Tree Lakes Property Owners Association Letterhead**

Date

Property Owner Name and Address

Dear [Property Owner]

Our records indicate that your property owner's dues are [\$xxx.xx] per month and the amount past due is [\$xxx.xx].

It is the policy of the Board of Directors of the Property Owners Association to notify a property owner by mail when he/she is two quarters in arrears. Please reply promptly with either a check for the total amount or a request for approval to make monthly installment payments,

A response is required prior to \_\_\_\_ [date] \_\_\_\_, ten days from now. You are also advised that your Property Owners Association privileges are suspended until your dues are paid in full.

If you have a question about your balance or wish to arrange payments, please contact Tish Herrmann, the POA Clerk.

Sincerely yours,

Charles Atkinson  
POA President

Tish Herrmann  
910-588-4051  
[tishhrmn@intrstar.net](mailto:tishhrmn@intrstar.net)

Second Letter Example

**Bay Tree Lakes Property Owners Association Letterhead**

Date

Property Owner Name and Address

Dear [Property Owner]

In a letter dated \_\_\_\_ [date] \_\_\_\_, we requested a reply from you regarding your past due property owner's dues. We have not, to date, had a response from you. It is the policy of the Board of Directors of the Bay Tree Lakes Property Owners Association to turn accounts with balances such as yours over to our attorney for appropriate action consistent with

Declaration of Protective Covenants and Restrictions for Bay Tree Lakes

The Board does not wish to pursue this course of action. However, without your cooperation, we have no alternative since the POA must collect dues from all property owners to meet its obligations. If your account is given to the attorney for collection, all costs and fees will be added to your indebtedness.

Your account will be given to an attorney unless we hear from you right away or your dues are paid by \_\_\_\_ [date] \_\_\_\_, ten days from now. The current amount due is [\$xxx.xx].

Sincerely yours,

Charles Atkinson  
POA President

Third Letter Example

## **Womble & Campbell, P.A. Letterhead**

Date

Property Owner Name and Address

Dear [Property Owner]

I am contacting you on behalf of the Bay Tree Lakes Property Owners Association to give you notice pursuant to N.C. G.S. 47F-3-116 of an assessment in the amount of [\$xxx.xx] which is due and payable immediately. A copy of the statement of the assessment due is attached hereto as required by 47F-3-116 subsection (a). You are further notified that the Property Owners Association intends to seek payment of attorney fees and Court Costs as assessed by the Court as is allowed by 47F-3-116(e1).

You have 15 days from the mailing of this notice to pay the outstanding balance of the amount assessed against you by the Bay Tree Lakes Property Owners Association in the amount of [\$xxx.xx] plus legal fees of [\$xxx.xx], for a total of [\$x,xxx.xx], in full. Additionally, pursuant to this subsection you have the opportunity to contact a representative of the association to discuss a payment schedule for the outstanding balance as provided in subsection (e2) of this section by contacting Charles Atkinson at 910-988-4698.

If said amount is not paid in 15 days from the date of this notice, the association will move forward to filing a Claim of Lien upon your property with the Clerk of Superior Court of Bladen County for the amount of the assessment previously mentioned as well as attorney fees and Court Costs. Additionally, pursuant to the Restrictive Covenants of Bay Tree Lakes Property Owners Association, your privileges are also suspended to the enjoyment of rights allowed by being a member of the association, to include but not be limited to the right to attend meetings, vote, or enjoy the common properties of Bay Tree Lakes until dues are paid in full. Please give this matter your immediate attention to avoid further legal action.

Very truly yours,

Michael Levine, Attorney for  
Bay Tree Lakes Property Owners Association