



# Hunter's Glen/Cove Newsletter



*An occasional newsletter published for and by the  
Hunter's Glen Homeowners Association*

**May 2009**

## **What's Happening.....**

*John Dellinger, President, Hunter's Glen Homeowners Assoc.*

Hello All,

We had a tough winter--lots of slick roads. I'm glad it's behind us. The hummers have arrived, and I didn't lose any koi in the pond. Savor spring; it's too short, and life's too short.....

Let's make sure that the HOA represents all of us. Your vote at the upcoming Homeowner's Association meeting is important. If you cannot attend, please make sure you provide your proxy so your vote is counted.

I also want to assure that all who wish to be heard have their opportunity. Please help out by sticking to the following guidelines: *1-Keep it relevant. 2-keep it short and coherent. (We'll have an egg timer running to keep things moving) 3-Let me know so you can be slotted in at the appropriate place in the agenda. 4-outline your points in writing so we can assure they are accurately included as part of the meeting record.*

On to Business: Prior to the start of the last HOA Board, Lee Robinson [the developer] made all the hard decisions for the neighborhood, and pretty much interpreted, enforced, and amended the covenants; most of his decisions remained transparent to all HOA residents.

The HOA now has that responsibility, and some interesting things are crawling out from under the rocks. There have been lots of discussions, disagreements, et al, about them. Most discussion centers on trying to interpret what the covenants say. Recently, the HOA and some homeowners paid in excess of \$2000 in attorney's fees for an interpretation (confused, at best) and nobody benefited but the lawyers.

### **◆ HOMEOWNERS ASSOCIATION ANNUAL MEETING!! ◆**

**Thursday, May 14th, 7:00 PM**

**Cummings Memorial United Methodist Church**

**1 Banner Farm Road (just off US 64)**

**++**

**Please plan now to be present!**

I attended a seminar a while back, sponsored by the Homeowner Associations of North Carolina (<http://www.hoanc.com/>) for some guidance in sorting things out.

My thoughts about the direction we should take:

- I think we need an HOA—it's all about keeping things clean and orderly to maintain property value. It's easy to spot neighborhoods with effective HOAs and those with no/ineffective HOAs; just drive around—you'll see what I mean.
- The covenants are a legal document and responsibility, a component of your property title, and pass on to the next person when the property is sold. We agreed to it when we signed our property deed.
- HOA stuff need not be intrusive, but we all need to do our part.
- We (residents and board) need clarity about what's required from each of us to live here. Defining those boundaries would lessen complication. Who wants more complication?
- We need to do this in a way based on what's been tested and accepted as appropriate practice.
- We need to do it without creating big legal expenses for creation/compliance.

Here's what we've done:

- HOA board resolution requiring minimum construction standards for sub-division infrastructure—no development without electrical, gas, water, sewage, roads completed. Must put bonded \$\$ in escrow. Lee had to do that prior to developing the existing sub-division.

- Committee Descriptions written for:  
Finance            Architectural Review  
Nominating

- Job descriptions written for:  
Secretary            Directors  
Treasurer            President  
Vice-President

Here's what we still need to do:

- Start Neighborhood watch program—sub-committee (more on that later)
- Rewrite the covenants with HOA Attorney assist to make them robust and reflect the common needs of the community
- Get together and meet the neighbors soon—I think we should form a group to do that sort of thing. Interested?

Update:

I met with [Esther Manheimer](#) (land use law) and Lindsay Parris (business, tax, & real estate) of the [Van Winkle Law firm](#) Monday, 13 Apr 09, to review the Hunter's Glen/Cove legal situation. [Craig Justice](#) is a senior partner there and is considered the heavy hitter of HOA law in WNC. He would also be at our disposal, should the need arise. This 1<sup>st</sup> review meeting was at no cost.

We discussed:

- Previous problems re: dividing lots--Given that there is no apparent room for compromise; it would ultimately end in lawsuit, which would be expensive. Rather than spend the Association's \$\$ doing that, we should get to the root cause of the problem and rewrite the covenants.
- The most effective fix is to rewrite covenants.

The covenants were written to allow the developer, Lee Robinson, to coherently develop the sub-division, and to assure that buyers maintained a certain level of compliance to his standards for the subdivision. As long as Lee owned part of the subdivision, he could legally change the covenants as he saw fit. Most issues relating to the "stuff" of covenants were handled by Lee, without the involvement of the HOA.

When Lee finished developing the sub-division in 2008, the issues that he previously dealt with became the responsibility of the HOA. That required defining clear responsibility for the HOA board and members, as well as what to do if the covenants were not followed. The current covenants don't address any of that—didn't have to—Lee made all the decisions.

- Cost to rewrite \$3,000 – \$7,000 depending upon whether we were high or low maintenance. Much/most could be done by neighborhood. If they are required to attend meetings, etc, cost goes up.
- If we use them, they start a file (already done) and they need \$2,000 retainer.

Process is:

- We review all versions of covenants pick out what we like, don't like
- They put our input into new rewrite, or tell us why not and we resolve
- New rewrite takes covenants to current status, and when approved, resets the covenants to the approval date. They become a component of your property title, and pass on to the next person when the property is sold.
- New rewrite meets NC planned communities act and Henderson County real estate law requirements
- When approved by the HOA, they get it recorded to make it legal.
- New version would eliminate voids ("big enough to drive truck through") that should prevent circumstances that leave us vulnerable to legal expenses required to enforce them.

Why change anything??

Our current covenants are outdated, and in error in numerous places. Rather than spend another wad of \$\$ on lawyers, who cannot agree on anything anyway, I think we should adapt a set of covenants based on what has become the standard for this and other states. The language is much clearer; it does not contradict itself, and does not open itself to interpretation like our current set of covenants. The planned communities act is the standard. Let's use it.

How to pay for this?

- We cut back on other expenses, and do things ourselves. The largest expense by far last year was mowing grass. If we were to pitch in and maintain the shoulders abutting our property, and volunteer to do part of the remaining areas, we could save over \$2,000. There are other places we can cut back also. This year's budget reflects that.
- All of us step up and pay our dues. At last count there were 7 households that had not paid their dues. That's \$350.00 that could go to the covenant rewrite.
- All of us be good neighbors. Think about what impact your actions have on the value of your and your neighbor's property before doing something that affects your property, and if you aren't sure, ask us. Dealing with such issues is a distraction, a potential expense; and keeps us from focusing on getting this done.
- Make sure we have your current e-mail address, so we can communicate more quickly and less expensively. Printing and distributing this news letter costs us some of our \$\$.

### **Security:**

Things aren't as secure as they used to be. There have been increases in break-ins and theft in the area.

I had Officer Tankersley of the Henderson County Sherriff's Dept talk to the board about restarting the Neighborhood Watch program, as well as things we each can do to help deter theft: They include:

- Add outdoor lighting, trimming back bushes close to the house, especially near windows, as they make hiding easier for thieves. Lights on timer switches at different places in the house are also helpful, and use deadlocks on doors.
- When away, have a neighbor collect mail and newspaper since perpetrators are typically from out of town and ride through looking for these signs that someone is away. You want to keep your house from becoming "stale" looking, i.e., appearing that no one's been at home for some time. If you see a strange car riding through the neighborhood, call your contact on the (soon to be) neighborhood watch committee.
- He suggested locking the construction access road at the top of the mountain. We've had people use it to enter the subdivision and use the empty cul de-sac on West Turkey Paw for shooting guns. (*done*)
- Set up a neighborhood watch system and have the Sheriffs Dept train the volunteers
- Call the sheriff's office (697-4911) if you'll be out of town and give them the name of someone with a key to your house.

*John Dellinger*

## **Annual Meeting Agenda**

Call to Order

Approval of Minutes

Financial Report

Review of the past year

Old Business

New Business

    Approve Budget

    Approve annual assessment for year ending March 31, 2010

    Election of officers

    Other items

Adjournment

**HUNTER'S GLEN HOMEOWNERS ASSOCIATION  
 BUDGET STATEMENT OF INCOME AND EXPENSES  
 COMPARISON TO BUDGET FOR YEAR ENDED MARCH 31, 2009**

**PROPOSED  
 FOR THE YEAR  
 ENDING 3/31/10  
 Proposed Budget  
 2009-2010**

	<u>Actual</u>	<u>Budget</u>	
Cash Balance 4/1/08:	\$5163.93		
Receipts from HOA Dues 2008 & 2009	\$4475.00	\$4450.00	\$4650.00
Interest on Bank Account	<u>\$ 1.28</u>	<u>\$ 16.00</u>	
<b>Total Income:</b>	\$9640.21	\$4466.00	\$4650.00
<b>Expenses:</b>			
Printing, office supplies, etc.	\$ 322.56	\$ 250.00	\$ 255.00
Liability Policy	\$1030.00	\$ 876.00	\$1080.00
Mowing/Landscaping	*\$3773.77	\$2080.00	\$ 500.00
Electric	\$ 384.39	\$ 500.00	\$ 425.00
Water	\$ 81.17	\$ 90.00	\$ 90.00
Newcomer	\$ 21.35	\$ 100.00	\$ 100.00
Legal	\$ 200.00	\$ 400.00	\$ 2000.00
Misc.	<u>\$ 25.00</u>	<u>\$ 170.00</u>	<u>\$ 200.00</u>
<b>Total Operating Expenses</b>	\$5838.24	\$4466.00	\$4650.00
Cash Balance 3/31/09:	\$3801.97		

\*Unexpected costs due to previous arrangements.

14 April 2009

Hunters Glen/Hunters Cove Homeowners Association:

I have audited the records of the treasurer and have found them to be neat and in total agreement with the annual report.

Respectfully submitted,

  
 Walter Sinclair

member HG/HC HOA

**Nominating Committee Report**

The Nominating Committee met several times independent of the current administration of the Hunters Glenn Home Owners Association and arrived at the following slate of candidates, all of whom have agreed to be nominated for the following offices for the Hunters Glen Home Owners Association (HGHOA):

<b>President:</b>	John Dellinger	<b>Members of the Nominating Committee:</b>	
<b>Vice President:</b>	Dean Crisp	Edra Davies	Russ Sailing
<b>Directors at Large (2):</b>	Donna Guttman	Dena Delong	Allen Smith
	Neil Kendrick	Ginny Nardone	Carl Merola, Chair
<b>Secretary:</b>	Carl Merola		
<b>Treasurer:</b>	Allen Smith		

**HUNTER’S GLEN HOME OWNERS ASSOCIATION, INC.  
PROXY**

I, the undersigned, do hereby make, constitute and appoint

the Board of Directors of Hunter’s Glen Home Owners Association, Inc.

**OR**

\_\_\_\_\_ (member of the Homeowners Association)

my true and lawful attorney and in my name, place and stead to vote for me in my capacity as a member of the said Association, standing in my name, as my proxy, at the annual meeting of the said Association to be held on May 14, 2008, at 7:00 p.m., for the purpose of electing officers and directors at large and approval of the annual budget for the coming year, hereby granting my said attorney full power and authority to act for me and in my name at such meeting as fully as I could do if personally present.

However, if the box to the left is marked, I direct my proxy to vote on the following issues as indicated:

A. Proposed budget:

Vote for \_\_\_\_\_ Vote against \_\_\_\_\_

B. Vote for the following persons to serve as officers and directors of the association:

President _____	V. Pres _____
Secretary _____	Treasurer _____
2 Directors at Large _____	

WITNESS MY HAND, this the \_\_\_\_\_ day of \_\_\_\_\_, 2009,

\_\_\_\_\_ Signature