

**Heritage Estates Property Owners Association**  
**Agenda – Members Annual Meeting**  
Ashe County River Access Shelter, 8250 Highway 163  
5:00 pm, 5 August 2023

**Declaration of quorum, call to order, welcome and news:**

- Welcome to our HEPOA annual meeting – primary functions are voting on open Board seats and members ratifying or rejecting the annual budget for the upcoming year.
- See attached list of display documents.
- Annual notice of membership list (always on website).
- Especially note that last year's minutes are in your handout. We will read these in its entire 5-page length if anyone present wants them to be read, but otherwise we can spare you.
- Notice of availability via web access (or request paper copies) of any Governing document, and past Annual Meeting and Board minutes.
- Note list of the Board members.

**Secretary's report** (Gay Cass was unable to make it to this meeting.)

- Offer to read last year's minutes.
- Call for corrections/revisions.
- Approval of last year's minutes.

**Treasurer's report**

- End-of-2022 report (was posted on web site last March)
- Current status of all accounts and investments
- Current status of 2023 budget
- Comments on proposed 2024 budget
  - Status of long-range financial planning
  - Reserve overview, also see long-term financial planning interactive worksheet on website.
- Motion to accept Treasurer's report.

**Old business**

- May: Bylaws passed - 27 votes cast (26/1 vote). Posted under Governing Documents. On display here.
  - Note revision of our quorum from 10% to 20% (offsetting numerous multiple lot ownerships)
  - Included a clause allowing Board to correct past mistakes and not be ruled by previous Board precedents.
- As of this meeting the HEPOA Board of Directors size adjustment (from 9 to 7) is completed.
- We held an open HEPOA Board meeting July 30 (per NC Statute 47F-3-108). (Willing to hear members at any time.
- There are upcoming Reserve Fund needs (see attached overview – we do predict deficits eventually)
  - The largest will be the repaving schedule and upcoming road repair needs.
    - Will get multiple bids this year for Heritage River repairs, with small added patches for subsidence at end Autumn Run, and road edge wastage at entrance to Common Area.
    - Approximately \$10k needed for this.
- Overhanging limb trimming process still underway.
  - We paid for this 10 years ago - about \$6K cost. We simply do not have funds to spare now if we intend to be able to repave the roads on schedule. So, we are doing it incrementally as volunteers. Dean and Duane started this cycle of trimming last year – so far disposed of DOZENS of truckloads of limbs. Volunteers so far: D. Moore, J. Nowak, C. Jordan, D. Esarey.
  - Schedule: We completed Autumn Run limbs, Timber Song needed no trimming. Next is the increasingly urgent Heritage River limbs and small trees. Then some more to do on Deerfield. Then a major limb project is needed on lower River Sound.
  - We will get this done – but be aware there should be funding for this kind of thing. We should not “borrow from the future” by spending money when we project deficits in the future.
- Changes at Common area

- Lot 47 development, sand ramp revitalized.
- Drainage project/ditch cleanout was combined with a sandbox/waterfall, major tree removal.
- Gazebo needs attention: paint purchased - coming up (volunteers).
- Any opinions per rhododendron bushes at Gazebo?
- Call for other old business.

#### **New business**

- **VOTING: Director positions Election and Annual Budget vote**
  - Votes today (two Director seats, plus annual budget).
  - Explanation of votes
    - Declaration indicates assessments and vote are per lot, which is standard corporate HOA practice.
    - Proxy vote process is per state law under Planned Community Act (NCGS 47F)
  - Explanation of annual budget vote
    - Authorization by members is required per Planned Community Act.
  - Combine ballots are anonymous.
  - Announce Board and Budget voting results.
- Ask opinion: an added oversized parcel box unit needed? If so, will budget for coming years.
- Call for other new business.
- **Call for any other business.**
- **Call for motion to adjourn.**

#### **List of Handouts**

- **Agenda**
- **2022 annual meeting minutes for approval (posted on web since October 2022)**
- **Treasurer's report**
- **Proposed 2024 Budget**
- **2023 mid-year account reports**
- **HEPOA Current Reserve Study - June 2023**
- **HEPOA Owner Info as of June 29, 2023**

#### **Documents on Display (these are all on the web site – printed copies available upon request)**

- **2021 Declaration (Restrictive Covenants). Compiled from original and revised.**
- **2023 Bylaws**
- **Current draft: Revised 2021 Architectural checklist**
- **HEPOA Owner Info as of June 29, 2023**
- **List of HEPOA Directors at the time of the annual meeting**
- **Heritage Estates Record map (1999)**
- **Map of current Heritage Estates homes and lots**
- **Summary of relevant NC NOA financial management laws and regulations**
- **Summary of HEPOA Board Administrative activities 2021-2023.**

HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION, INC., is a non-profit corporation empowered under the Planned Community Act (§ 47F-3-102) and other laws of the State of North Carolina to serve the interests, uses, and benefits of our community, and to enforce the real covenants in order to preserve appearance and property values to which the Declaration and Bylaws have been made applicable. Member's per lot rights and obligations under the Declaration and Bylaws are allocated memberships, assessments, and voting rights as defined in NCGS § 47F-1 (103) (2-6).

Our purposes and obligations – to plan for annual and perpetual maintenance of our private roads and common area(s), ensure the maintenance of collective property values by enforcing our Covenants and Bylaws, and otherwise serve the common interests of the community while meeting state and federal requirements and regulations.



## **Treasurer's Report**

**Balances for August 2023** For a detailed look at our current balances, please refer to the accompanying bank statements.

**Proposed Budget for 2024** This budget proposal is developed with an eye on past expenses and increases in lawn care (up by \$420) and insurance (a rise of 7%).

**Important Budget Information** By North Carolina law, our association is required to adequately maintain common areas and roads.

Here are some key points about our current financial situation:

1. Our operating budget is based on the amount set in 1998 for the developer's road budget. We have set a fixed yearly assessment of \$120 per lot for operations. Due to inflation, it would require \$225 today to equal that \$120.
2. We eventually will need to update our Restrictive Covenants to allow the use of member-approved budgeted amounts for annual assessments. Until then, we need to levy a special assessment to manage the deficit.
3. IRS rules prevent us from using Reserve Funds for regular operating costs (although we mistakenly did this for a decade).
4. The proposed operating budget for this year is \$293 more than what we collect from regular assessments.
5. If members vote to approve this budget, it will include a small special assessment of \$5.43 per lot to cover the budget shortfall.

**Reserve Study** We recently conducted a professional study to forecast future road maintenance schedules and costs. We were provided with a range of cost options for road maintenance. Our estimates are based on maintaining the same quality roads. This information, together with past maintenance records, was used to create a planning spreadsheet for future maintenance needs (available on our website).

Based on this tool and the Reserve Study, we can predict the following, assuming 60% of the \$300 per lot assessments goes to the Reserve Fund, along with investments in CDs when funds are not needed:

- By 2033, we expect to have earned about \$65,000 additional funds from interest and have net earnings of approximately \$45,000 after taxes.
- However, we still anticipate being short by about \$37,000 of the necessary funds to resurface Heritage River Road in 2033.
- If no action is taken before then, we will need to levy a hefty \$685 per lot assessment for that year.
- Alternatively, if we plan ahead and increase assessments by \$80 per lot in 2024, we will have sufficient funds for 2033 and can continue this way until 2052.

We value your understanding and cooperation in these matters, as we work together to keep Heritage Estates a beautiful and well-maintained community.

June 30, 2023

*Proposed 2024 Budget*

(to be ratified by membership at 2023 annual meeting)

Standard Operating	2024 Proposed Budget
Utilities	\$1,400
Mowing	\$2,400
Snow Removal	\$300
Theft Insurance	\$220
D&O Insurance	\$1,211
Liability Insurance	\$300
Office Supplies	\$200
HEPOA meeting	\$100
Replenish contingency	\$642
<b>Total</b>	<b>\$6773</b>

**Explanatory notes**

The cost changes for our Crime and Liability Policies will be known once they expire, which are due on August 1, 2023, and September 19, 2023, respectively. Our Directors & Officers (D&O) Insurance has seen a 7% increase, and our annual mowing expenses have grown by \$420.

Our suggested operating budget is \$293 higher than the funds collected from the regular assessments. In the past, we addressed such shortfalls by using funds from the Reserve Fund. However, this practice is not legally acceptable. We've been advised by legal counsel that the HOA must collect adequate assessments to properly maintain and insure common property. If our regular assessments fall short, we must implement a special assessment until we can amend our governing documents. This is because state laws take precedence over HOA regulations.

If this budget gets approved by a member vote, it will also mean agreeing to a special assessment of \$5.43 per lot to cover the budget gap. In the future, we aim to amend the Restrictive Covenants with the help of the Membership, allowing us to collect sufficient assessments to cover approved budgets and future road resurfacing costs, without needing a special assessment.

The attached letter from the President explains on our overall financial situation.



### Mid-year Report on 2023 Operating Expenses

Approved 2023 Budget vs. Actual & Anticipated 2023 Costs

Standard Operating	Approved Budget	Actual & Anticipated Costs
Utilities	\$1,203	\$1,300
Mowing	\$1,920	\$2,340
Snow Removal	\$300	\$300
Theft Insurance	\$220	\$220
D&O Insurance	\$1,138	\$1,211
Liability Insurance	\$300	\$300
Office Supplies	\$200	\$280
Meetings	\$ -	
HEPOA meeting	\$50	\$85
<b>Total</b>	<b>\$5281.00</b>	<b>\$5,951</b>

Contingency	2023 Actual Cost
Legal fees (Governing documents/assessments consultation)	\$2,225
<b>Total</b>	<b>\$2,225</b>

December 31, the balance in the operating account will be approximately \$2,357. To bring the contingency up to \$3,000, we need an additional \$642 in 2024 budget.



### Heritage Estates Property Owners Association - Current Reserve Study - June 2023

Year to Do	Task	Projected Cost	Initial Year
2023	Gazebo: Replace Boards:	\$ 200.00	2023
2024	Gazebo: Pressure wash and stain:	\$ 521.33	2011
2024	Guard Rail: Replace rotten parts:	\$ 420.00	2023
2024	Culvert Repair and Cleaning	\$ 210.00	2023
2024	Heritage River patch & Autumn Run pothole repair:	\$ 9,320.18	2023
2025	Gazebo Road: Gravel:	\$ 1,162.70	2016
2027	Repaint HEPOA Entrance Sign:	\$ 814.51	2017
2028	Gazebo: Paint	\$ 138.79	2023
2030	Trim encroaching foliage on ROW	\$ 11,534.52	2016
2033	Road surface - Heritage River Road	\$ 63,735.39	2023
2034	Road surface - River Sound	\$ 169,545.94	2023
2033	Supplement Mailboxes	\$ 2,458.89	2016
2033	Concrete for Mailbox installation	\$ 188.82	2016
2034	Road surface - Autumn Run	\$ 119,557.85	2023
2035	Road surface - Deerfield	\$ 35,263.43	2023
2035	Road surface - Timbersong	\$ 33,945.28	2023
2053	Road surface - Heritage River Road	\$ 169,108.96	2023
2053	Road surface - River Sound	\$ 428,434.15	2023
2053	Road surface - Deerfield	\$ 84,865.66	2023
2054	Road surface - Autumn Run	\$ 317,222.57	2023
2055	Road surface - Timbersong	\$ 90,066.92	2023
2057	Replace Gazebo roof	\$ 10,624.31	2015

These costs reflect inflation. The planning tool for determining the funded rate is at <https://heritageestatesnc.com/reserve-study-planning/> (password: river123!). Our Reserves are about 61% funded.

2023 HEPOA Reserve Account

	2023	January	February	March	April	May	June	July	August	September	October	November	December	Total
<b>Revenues</b>														
Money Transferred		\$ 1,320.00	\$ -											\$ 1,320.00
Deposits		\$ 2,820.00	\$ 2,700.00	\$ 1,980.00										\$ 7,500.00
Interest Income		\$ 30.35	\$ 28.00	\$ 31.94	\$ 29.12	\$ 29.29	\$ 6.02	\$ 6.22						\$ 160.94
<b>Total Revenues</b>		\$ 4,170.35	\$ 2,728.00	\$ 2,011.94	\$ 29.12	\$ 29.29	\$ 6.02	\$ 6.22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,980.94
<b>Expenses</b>														
Gazebo: Paint														\$ -
Gazebo: Replace Boards														\$ -
Fence: Repair														\$ -
Guard Rail: Replace rotten parts														\$ -
Culvert Repair and Clearing														\$ -
Drainage Tile: Replace														\$ -
Asphalt: Seal/Repair														\$ -
Asphalt: Resurface														\$ -
Signs								\$ 106.29						
Gazebo Road: Gravel														
Moved to CD						\$ 60,000.00								
Mailbox Maintenance						\$ 17.29		\$ 45.93						
<b>Total Expenses</b>		\$ -	\$ -	\$ -	\$ -	\$ 60,017.29	\$ -	\$ 152.22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Income/Loss</b>		\$ 4,170.35	\$ 2,728.00	\$ 2,011.94	\$ 29.12	\$ (59,988.00)	\$ 6.02	\$ (146.00)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,980.94
<b>Beginning Cash Balance</b>		\$ 75,449.55	\$ 79,619.90	\$ 82,347.90	\$ 84,359.84	\$ 84,388.96	\$ 24,400.96	\$ 24,406.98						\$ 75,449.55
<b>Ending Cash Balance</b>		\$ 79,619.90	\$ 82,347.90	\$ 84,359.84	\$ 84,388.96	\$ 24,400.96	\$ 24,406.98	\$ 24,260.98	\$ 24,260.98	\$ 24,260.98	\$ 24,260.98	\$ 24,260.98	\$ 24,260.98	\$ 24,260.98

\$ 1,296.00

new account opened. .39 in interest when moved.

### HEPOA 2023 Operating Fund Book Balances

[illegible]





HEPOA Owner Info as of June 29, 2023	Address	Town	St	5 digit Zip
Bowers, RJ	165 Heritage River Rd	West Jefferson	NC	28694
Stroup Family Retreat, LLC (Alice Butler)	704 West Roseboro St	Roseboro	NC	28382
Cass, Gay	4824 Fox Chase Rd.	Greensboro	NC	27410
Coggins, Timothy & Lisa	2847 Pickard Road	Sanford	NC	27330
Copeland, Jimmy & Jacki	458 Autumn Run	West Jefferson	NC	28694
Edwards, Sherrie G	PO Box 1002	Jefferson	NC	28640
Esarey, Duane & Johnson, Janet	165 River Sound	West Jefferson	NC	28694
Ince, Onur and Tanya	137 Timbersong	West Jefferson	NC	28694
Grayson, Susan Wall & Sheldon, John	4335 Waumsetta Rd	Richmond	VA	23235
Hamby, Judy	3362 NC Hwy 16W	Millers Creek	NC	28651
Helms, Shelia	167 Timbersong	W. Jefferson	NC	28694
Jordan, Chris & Ginger	127 Deerfield Rd.	West Jefferson	NC	28694
King, David & Tyra	PO Box 506	Efland	NC	27243
Landen, Robert & Janice	247 Autumn Run	West Jefferson	NC	28694
Marrero, Raul & Evelyn	3160 Gem Ives Ct NE	Buford	GA	30519
McCurdy, Mitzie	260 West Avenue	Troutman	NC	28166
McIver, Jerry	197 Northmont Road	Taylorsville	NC	28681
McNeely, Brad and Emily	35 Honeysuckle Woods	Clover	SC	29710
Meyer, Amparo/Rice, Curtis	4605 SW 152nd Ave	Miramar	FL	33027
Millner, Pryor and Lauren	10015 Bayart Way	Huntersville	NC	28078
Moore, Dean & Jean	118 Heritage River Road	West Jefferson	NC	28694
Murray, Thomas/Ruffolo, Luigi	10111SW 16th Place	Davie	FL	33324
Nowak, Joseph and Michele	1400 Freshwater Ct.	Wake Forest	NC	27587
Shepherd, Claude & Kay	1295 Airport Rd.	N Wilkesboro	NC	28659
Shepherd, Michael & Paula	3212 Woodstream Lane	Ellicott City	MD	21042
Sipple, Mike & Karen Bobbitt	709 Nikanor Rd	West Jefferson	NC	28694
Swan, Ryan Patrick & Michelle Rene	5035 Neiman CV	Raleigh	NC	27612
Tanseer, Tracy Lauren and Fortune, Grace Elizabeth	423 Autumn Run	West Jefferson	NC	28694
White, Rick & Ann	9221 Fawn Lake Drive	Raleigh	NC	27617
Yow, Richard & Kathleen	591 Cedar St.	Longboat Key	FL	34228

DRAFT for BOD approval, HEPOA Board approval needed  
HEPOA-ARC checklist, Vers. May 30, 2023 incorporating 2023 Bylaws

**Heritage Estates Property Owners Association  
Architectural Checklist - implementing terms of the Declaration and Bylaws**

Sections:

1. Residence construction checklist and agreement.
2. Outbuilding checklist and guidelines.
3. Principles guiding use of lots without an approved permanent residence.
4. Text of cited governing documents.

**1. Residence Construction checklist and agreement**

- ☐ Owners of each granted tract must have residence construction plans approved (RC&R 2021:9).
- ☐ No visible cinder or concrete blocks (RC&R 1999:5; 2021:5).
- ☐ No modular homes except as defined in (RC&R 1999:7; 2021:7).
- ☐ Building set-back of 20' from fronting ROW, except lots 17, 38, 39, 52 and 53 (RC&R 2021:8).
- ☐ Building set-back of 10' from property line of adjoining unconsolidated property (RC&R 2021:8).
- ☐ Minimum 1000 heated square footage of each home (RC&R 2021:9).
- ☐ All co-constructed out buildings in accordance with guidelines at RC&R 2021:9.
- ☐ Following home construction period each lot must use off-street parking (RC&R 2021:10b&13).
- ☐ Motor homes as a temporary residence during period of construction only (RC&R 2021:13).
- ☐ Twelve (12) month deadline for completion of dwelling/detached garage (RC&R 2021:14).
- ☐ Construction 12 month deadline extensions are per 2023 Bylaws Article IV, Section 1:d:16.
- ☐ Utility easement of 5' exists on all sides of each unconsolidated lot (RC&R 2021:16).
- ☐ Owner/Contractor is responsible for any street damage due to construction activity.
- ☐ Driveway easements reserved for other property owners must be respected.

\_\_\_\_\_  
Construction Start Date

\_\_\_\_\_  
Anticipated Completion Date

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
HEPOA Signature (Officer or Committee Chair)

\_\_\_\_\_  
Date

Copy 1 – to homeowner

Copy 2 – to HEPOA files

**DRAFT for BOD approval, HEPOA Board approval needed**  
**HEPOA-ARC checklist, Vers. May 30, 2023 incorporating 2023 Bylaws**

**2. Permanent outbuildings: checklist, guidelines, and citations**

On lots having a completed residence, or ARC approved and in-process construction of such a residence, the Lot owner may construct detached permanent outbuilding(s) either on the same lot, or on an adjoining lot **conjoined with the lot having such a residence, as long as:**

- a) **Future sales of said adjoining lot are permanently secured to the lot containing the approved residence.** An acceptable form of securing the lots' future conjoined sales may be accomplished by consolidation with the Ashe County Register of Deeds. Please note that while consolidation (of one or more lots under a 3<sup>rd</sup> party agreement, for instance with the County) does secure the future sales of the conjoined lots, combining lots with a third party does not extinguish the enduring covenanted per lot assessment obligations and the voting rights of any Heritage Estates lot, except those that were consolidated exactly as described in the Declaration by the Developer during the period of that entity's Special Declarant rights. See NCGS 47F-103, items 2, 6, 9, 11ii and 11iii; Heritage Estates RC&R 1999:10 and 2021:9, and Heritage Estates Bylaws 2023 Article IV, Sect. 2.
- b) Per Heritage Estates RC&R 1999:10 and 2021:9 "all outbuildings shall be constructed in the same style and with the similar materials as the main house. Outbuildings which are built to accompany a log residence may have log-siding."
- c) In contrast with the 1000 square foot minimum for Residences, there is no minimum size for a permanent outbuilding per the Declaration or Bylaws.

**3. Lot use and temporary improvements on lots without a permanent residence.**

Members' lots owned and used without the benefit of being on, or being permanently secured to, a lot containing an owner's residence are limited to placement of temporary personal property and such easily removable affixed property improvements as indicated in Bylaws Article IV, Section 2 (full text attached below).

**DRAFT for BOD approval, HEPOA Board approval needed**  
**HEPOA-ARC checklist, Vers. May 30, 2023 incorporating 2023 Bylaws**

**4. Text cited from selected Declaration/Covenants and current (2023) Bylaws**

**RC&R 1999:5 and 2021:5** "No building of any kind shall be erected or allowed to remain on said property if there are any cinder blocks or concrete blocks exposed on any side."

**RC&R 1999:7 and 2021:7** "No single-wide, double-wide or other mobile homes or house trailers shall be permitted on the subject premises; provided, however, that nothing herein shall prevent modular homes which have been constructed off frame, with roof pitches 6/12 or greater if approved pursuant to paragraph 10 below. No other modular homes shall be permitted."

**RC&R 1999:8 and 2021:8** "No building shall be erected upon the granted premises which is closer than twenty (20) feet from the right of way or closer than ten (10) feet from the property line of any other adjoining tract; provided, however, that the 20-foot set-back provisions shall not apply to lots 17, 38, 39, 52, and 53."

**RC&R 1999:10 and 2021:9** "All buildings constructed on the subject premises shall be constructed in accordance with all of the rules and regulations of Ashe County and the North Carolina Building Code, and owners of each granted tract must have the plans approved by the owner/developer of the subdivision, or its successors or assigns. Each home shall have 1,000 or more square feet of finished heated living area, excluding garages, porches, etc. All outbuildings shall be constructed in the same style and with the similar materials as the main house. Outbuildings which are built to accompany a log residence may have log-siding. The Architectural Review Committee (ARC) will provide lot owners with a Construction Checklist, which outlines items with which they must comply, and record the beginning date for construction. The ARC, or Board of Directors acting in its stead, will also examine the building plans and ensure that the finished area meets the minimum size requirement."

**RC&R 1999:11b and 2021:10(b)** "...no parking shall be allowed on the streets. Each lot shall have its own parking area/driveways on the lot once owners have taken occupancy of the home."

**RC&R 1999:14 and 2021:13** "No motor home shall be used on the subject premises as a residence except during a period of time when the owner of the same has a residence under construction on the subject premises. Suitable parking arrangements shall be made for all motor homes and campers owned by residence owners within the development. The same may not be parked on or within the rights of way of the subdivision streets or within the yards of residence owners."

**RC&R 1999:15 and 2021:14** "When the construction of a dwelling house or detached garage is commenced by the owner of any lot in said subdivision, the external construction of the same shall be complete and said structure shall be ready for occupancy or use within twelve (12) months from the date construction is started. If construction is not completed within one year, a fee of 40% of the annual dues will be due on the last day of each month that completion of construction is overdue."

**RC&R 1999:17 and 2021:16** "A five (5) foot utility easement is hereby reserved on all sides of each lot. This may be removed, upon request, by the developer for multiple lot purchases; and it is specifically understood and agreed that, upon lots being combined, this utility easement on the common boundary of the combined tract shall be automatically extinguished."

**Bylaws (Version 2023): Article IV, Section 2** "As mediated by the Association's regulating interests defined in the Declaration and the Architectural Review Committee checklist, members shall have the right to place on any owned lot(s) non-affixed recreational or decorative personal property (for example, picnic tables, seats, benches, swings, playhouses, tree-houses, birdhouses, bird baths), as well as removable affixed property (such as fences, pathways, stairways, bridges, firepits, landscaping, gardens, gazebos, and transportable storage sheds up to 225 square foot). Members shall only have the right to make permanent real property structural improvements upon their lots, such as unattached out-buildings with foundations, subsequent to an Architectural Committee checklist approval for construction of an approved residence, or legal combination of an adjacent unimproved lot with a residence that has met Architectural Review Committee approval. Definitions for these forms of property are as fixed under NCGS § 105-164.3 (31a, 31k; and 205)."

**Bylaws (Version 2023): Article IX, Section 1(d) (16)** "With regard to the Board's oversight of the Architectural Committee, the Board may consider mitigating circumstances and allow extensions (into a second year only), delaying a determination that completion of construction is overdue and thus subject to penalties."





M&P Shepherd

McCurdy

Helms

Stroup  
Family Retreat

Moore

Garcia

McNeeley

Cass

Bowers

Esarey/Johnson

Jordan

Coggins

Nowak

Grayson/Sheldon

White

C&P  
Shepherd

Landen

Swan

Tanseer/  
Fortune

Copeland

**Heritage Estates, West Jefferson NC**  
Adapted from original 1999 record map (Ashe County Book 5, p. 566)  
and subsequent platted revisions. Georeferenced to October 2019  
Google Earth photo. D. Esarey, June 2021

600 ft



Declarant alterations to the Record Map 1999 to 2006: BK 328/1279, BK 326/686, BK 326/683, BK 282/1490, BK 282/1493

RECORD MAP OF  
SHEET 1 OF 2

## HERITAGE ESTATES

Ob/ds Township Ashe County, N.C.

Scale: 1" = 100'  
Date: Nov. 1, 1993

[illegible]

Shirley S. Wallace

PHILIPPO N. GONZALEZ, JR.  
11001 11th St. S. NE 11th St. NE 11th St.

cc. Detroit Finance Review Officer of  
...ASHL... County, certify that  
the map or plat to which this certification  
is attached meets all planning requirements  
for recording.

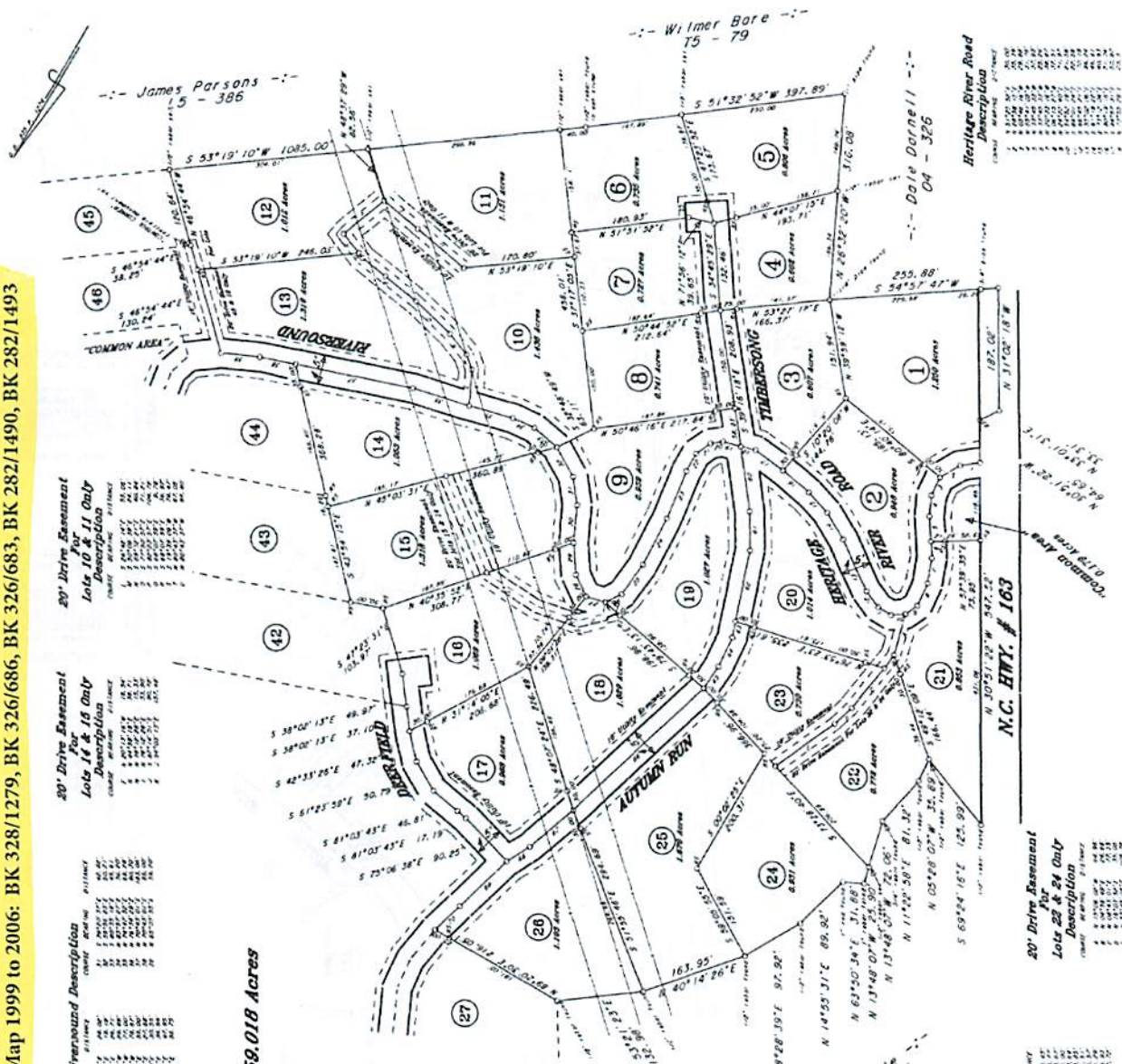
*David J. ...*  
Review Officer

11-10-99  
Date

[illegible]

THIS PLAY IS SUBJECT TO AMENDMENTS,  
AGREEMENT, OR RIGHTS-OF-WAY OF RECORD PRIOR  
TO DATE THIS PLAY.

**Total Area: 59.018 Acres**



Lot	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	2,345.67	1,456.78	55.00
2	2,345.67	1,456.78	55.00
3	2,345.67	1,456.78	55.00
4	2,345.67	1,456.78	55.00
5	2,345.67	1,456.78	55.00
6	2,345.67	1,456.78	55.00
7	2,345.67	1,456.78	55.00
8	2,345.67	1,456.78	55.00
9	2,345.67	1,456.78	55.00
10	2,345.67	1,456.78	55.00

Lot	Description	Area	Value
1	20' Drive Easement	10.24	10.24
2	20' x 10' x 10' x 10'	10.24	10.24
3	20' x 10' x 10' x 10'	10.24	10.24
4	20' x 10' x 10' x 10'	10.24	10.24
5	20' x 10' x 10' x 10'	10.24	10.24
6	20' x 10' x 10' x 10'	10.24	10.24
7	20' x 10' x 10' x 10'	10.24	10.24
8	20' x 10' x 10' x 10'	10.24	10.24
9	20' x 10' x 10' x 10'	10.24	10.24
10	20' x 10' x 10' x 10'	10.24	10.24

Country	Year (1981)	Population	Birth rate	Death rate	Infant mortality
1	1981	10,000,000	20.0	10.0	100.0
2	1981	10,000,000	20.0	10.0	100.0
3	1981	10,000,000	20.0	10.0	100.0
4	1981	10,000,000	20.0	10.0	100.0
5	1981	10,000,000	20.0	10.0	100.0
6	1981	10,000,000	20.0	10.0	100.0
7	1981	10,000,000	20.0	10.0	100.0
8	1981	10,000,000	20.0	10.0	100.0
9	1981	10,000,000	20.0	10.0	100.0
10	1981	10,000,000	20.0	10.0	100.0
11	1981	10,000,000	20.0	10.0	100.0
12	1981	10,000,000	20.0	10.0	100.0
13	1981	10,000,000	20.0	10.0	100.0
14	1981	10,000,000	20.0	10.0	100.0
15	1981	10,000,000	20.0	10.0	100.0
16	1981	10,000,000	20.0	10.0	100.0
17	1981	10,000,000	20.0	10.0	100.0
18	1981	10,000,000	20.0	10.0	100.0
19	1981	10,000,000	20.0	10.0	100.0
20	1981	10,000,000	20.0	10.0	100.0
21	1981	10,000,000	20.0	10.0	100.0
22	1981	10,000,000	20.0	10.0	100.0
23	1981	10,000,000	20.0	10.0	100.0
24	1981	10,000,000	20.0	10.0	100.0
25	1981	10,000,000	20.0	10.0	100.0
26	1981	10,000,000	20.0	10.0	100.0
27	1981	10,000,000	20.0	10.0	100.0
28	1981	10,000,000	20.0	10.0	100.0
29	1981	10,000,000	20.0	10.0	100.0
30	1981	10,000,000	20.0	10.0	100.0
31	1981	10,000,000	20.0	10.0	100.0
32	1981	10,000,000	20.0	10.0	100.0
33	1981	10,000,000	20.0	10.0	100.0
34	1981	10,000,000	20.0	10.0	100.0
35	1981	10,000,000	20.0	10.0	100.0
36	1981	10,000,000	20.0	10.0	100.0
37	1981	10,000,000	20.0	10.0	100.0
38	1981	10,000,000	20.0	10.0	100.0
39	1981	10,000,000	20.0	10.0	100.0
40	1981	10,000,000	20.0	10.0	100.0
41	1981	10,000,000	20.0	10.0	100.0
42	1981	10,000,000	20.0	10.0	100.0
43	1981	10,000,000	20.0	10.0	100.0
44	1981	10,000,000	20.0	10.0	100.0
45	1981	10,000,000	20.0	10.0	100.0
46	1981	10,000,000	20.0	10.0	100.0
47	1981	10,000,000	20.0	10.0	100.0
48	1981	10,000,000	20.0	10.0	100.0
49	1981	10,000,000	20.0	10.0	100.0
50	1981	10,000,000	20.0	10.0	100.0

**20' Drive Easement  
for  
Lots 23 & 24 Only  
Description**

Case	Age	Sex	Site	Pathologic	Survival
1	65	M	Rectum	Adenocarcinoma	10
2	68	M	Rectum	Adenocarcinoma	12
3	70	M	Rectum	Adenocarcinoma	15
4	72	M	Rectum	Adenocarcinoma	18
5	75	M	Rectum	Adenocarcinoma	20
6	78	M	Rectum	Adenocarcinoma	22
7	80	M	Rectum	Adenocarcinoma	25
8	82	M	Rectum	Adenocarcinoma	28
9	85	M	Rectum	Adenocarcinoma	30
10	88	M	Rectum	Adenocarcinoma	32
11	90	M	Rectum	Adenocarcinoma	35
12	92	M	Rectum	Adenocarcinoma	38
13	95	M	Rectum	Adenocarcinoma	40
14	98	M	Rectum	Adenocarcinoma	42
15	100	M	Rectum	Adenocarcinoma	45

## HERITAGE ESTATES

**SHEET 2 OF 2**

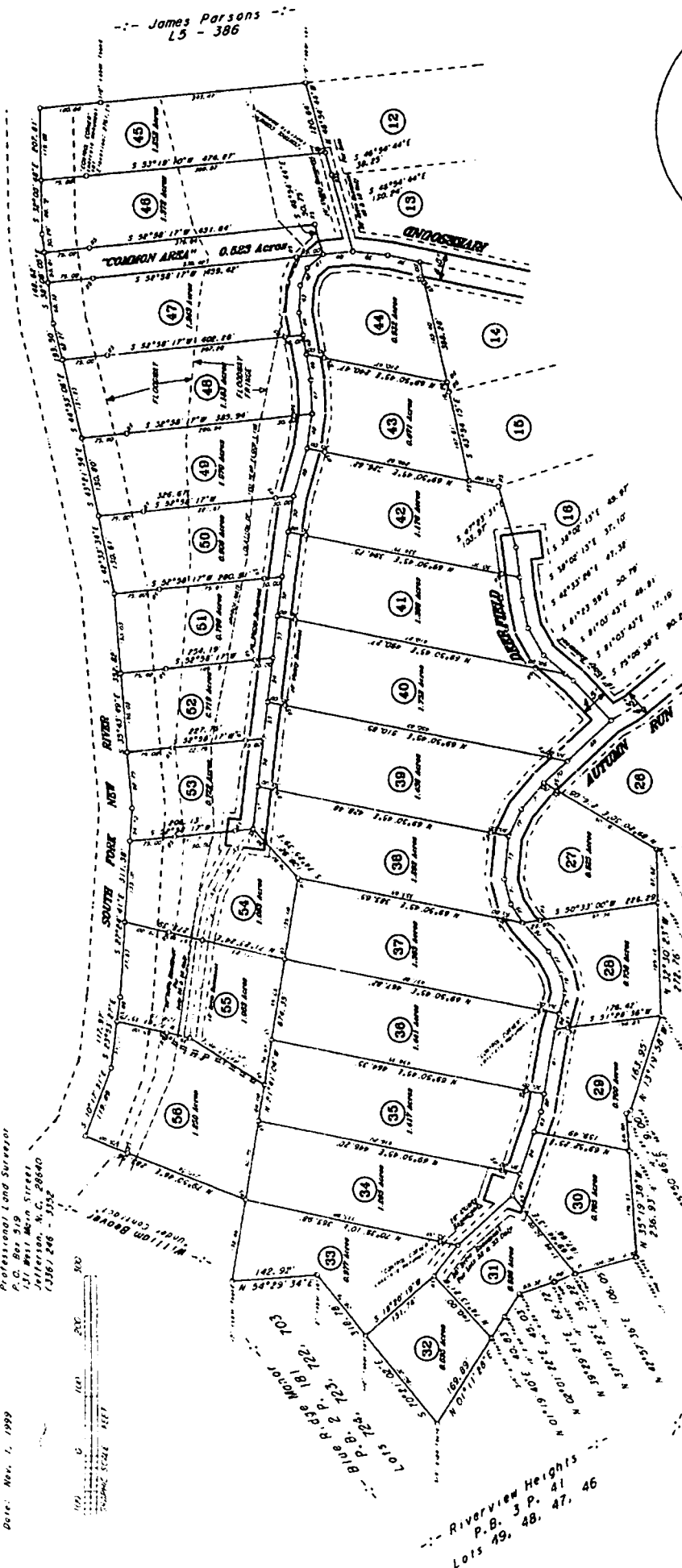
## HERITAGE ESTATES

*Obids Township Ashe County, N.C.*

Scale: 1" = 100'  
Date: Nov. 1, 1999

score: 1, 130

Date: Nov. 1, 1999





## Summary of HEPOA Board administrative activities in the last 3 years

### 2021

- We obtained legal advice and learned we had something like a constitutional crisis - resulting from lack of formal transition from Declarant/Developer. That is, Heritage Estates, Inc was dissolved 2007 without proper transition to HEPOA (2008) under the terms of the Declaration/Covenants.
- We also needed to correct some procedural errors made to date in our self-governing operations. We revised our voting procedures and began to match state standards for revising our governing documents.
- In September 2021 Eloise Stewart, acting under "Declarant's unfinished business" helped HEPOA meet the Declaration's remaining requirements for a full transition.

### 2022

- In 2022 we first implemented member-approved annual budgets.
- We created our initial Reserve management document, as required by IRS for documentation of any funds held over from year-to-year.
- We reviewed and revitalized the various insurance policies required either by our own original Bylaws, state statutes, or federal guidelines. In the process we adopted various policies (fiscal procedures, conflict of interest, anti-fraud and anti-harassment) required by state statute or our insurance providers.
- We examined and revised financial record keeping, accounts, and fiscal procedures.
- We created a process for required annual notifications and posting/archiving of Association documents (primarily by web access under password, but also as part of our annual mailings).

### 2023

- In May 2023 we approved amended Bylaws with special attention to meeting the terms of proper Membership approval, and more clearly tie HEPOA Bylaws to requirements of North Carolina corporation law, planned community law, and IRS regulations.
- The new Bylaws further protect owners against potential liabilities by mandating fully vetted insurance policies and explicitly detailing the rights and roles of property owners, while clarifying state statute per the balance of those rights with the Association Board's mandates and responsibilities.
- Recently, we have implemented long-term financial planning (note the long-term financial status letter to membership sent out last month with annual meeting notice).
- Most recently, the Board reviewed the history and legal standing of 7 lots that have historically been excused from paying annual assessments.

The results of all these activities are posted on the HEPOA web site under Governing Documents, Financial Information, and Board Records.

The website also features access to HOA law resources, a current member list, links to important data sources (such as Ashe County GIS), useful maps of Heritage Estates, and a history of the Heritage Estates development prior to the incorporation of HEPOA.

<https://heritageestatesnc.com/> Member Login (password = river123!)



Summary report to HEPOA BOD 26 March 2023 to be included in the minutes

Summary of relevant North Carolina HOA financial management facts following consultations with CPA Priscilla Norris and consultations with Anderson Legal, PLLC.

### NC Laws

- The HOA must have a member-approved budget for operating expenses. Member-approved budgets provides the HOA authority to collect annual assessments.
- The annual operating budget can contain contingency for unexpected expenses, like fallen trees, legal, etc. Otherwise, excess annual operating funds must be returned/credited.
- All board member reimbursements must be pre-approved in writing. Board members cannot use personal credit cards that have rewards.
- Treasurer must make a year-end report available to members by March 15.
- Reserve funds require a reserve study (see IRS rules). Reserve studies can be done internally (as opposed to by a professional) if projected costs are documented.
- The HOA must collect assessments sufficient to maintain and insure the common property. If the governing documents set a fixed amount that is insufficient, a special assessment must be used until the governing documents are changed (state law trumps HOA governing documents).
- Funds for large long-term maintenance costs, such as major road repairs, must be budgeted and collected gradually over time. HOAs must not fail to collect the needed funds over time, and then rely on a large special assessment of those who own property at the time that the repair is needed.

### IRS Regulations

- Reserve and operating funds cannot be co-mingled. They must each have their own budget and their own account.
- When doing cash accounting, expenses must be paid within the year they occur.
- Reserve funds cannot be saved unless there is a Reserve Study. The HOA cannot collect reserve funds in excess of what is needed as projected by the Reserve Study.
- An HOA can file form 1120-H if they meet the 3 criteria, which includes 85% of houses meeting IRS definitions of a residence. Saving other than justified by the reserve fund, or co-mingling operating and reserve funds, requires filing 1120 and paying a flat tax rate of 30%.

### Our Theft Insurance Requirements

- A Board member who cannot write checks reviews the bank statements monthly against reconciliation documents provided by the Treasurer.
- Payments by bank auto-drafts or HOA credit card need be reviewed only by the reconciliation statements, but our fiscal policy also requires that a member reviews all payments by check, documents whether invoices match checks, and then provides a second signature on the check and a review form.





*Valid until 2023 election*

## HEPOA Directors and Officers for 2023

(per the 8 October 2022 Annual Meeting and 27 October 2022 BOD meeting)

### **2023 Officers**

President: Duane Esarey (BOD term ending 2024)

Vice President: Jimmy Copeland (BOD term ending 2023)

Secretary: Gay Cass (BOD term ending 2024)

Treasurer: Janet Johnson (BOD term ending 2025)

Asst. Treasurer: Michele Nowak (BOD term ending 2024)

### **Board members at large**

Robert Landen (BOD term ending 2023)

Ginger Jordan (BOD term ending 2025)

Paula Shepherd (BOD term ending 2023)

- \* In their May 28, 2022 meeting the HEPOA BOD voted to reduce the Board of Directors from 9 to 7 members to be effected across two years time. One of these seats was dropped (by a resignation) in 2022, and the other will be dropped in 2023 by either a resignation or election of two Board seats at the 2023 annual meeting.





HEPOA Owner Info as of June 29, 2023	Address	Town	St	5 digit Zip
Bowers, RJ	165 Heritage River Rd	West Jefferson	NC	28694
Stroup Family Retreat, LLC (Alice Butler)	704 West Roseboro St	Roseboro	NC	28382
Cass, Gay	4824 Fox Chase Rd.	Greensboro	NC	27410
Coggins, Timothy & Lisa	2847 Pickard Road	Sanford	NC	27330
Copeland, Jimmy & Jacki	458 Autumn Run	West Jefferson	NC	28694
Edwards, Sherrie G	PO Box 1002	Jefferson	NC	28640
Esarey, Duane & Johnson, Janet	165 River Sound	West Jefferson	NC	28694
Ince, Onur and Tanya	137 Timbersong	West Jefferson	NC	28694
Grayson, Susan Wall & Sheldon, John	4335 Waumsetta Rd	Richmond	VA	23235
Hamby, Judy	3362 NC Hwy 16W	Millers Creek	NC	28651
Helms, Shelia	167 Timbersong	W. Jefferson	NC	28694
Jordan, Chris & Ginger	127 Deerfield Rd.	West Jefferson	NC	28694
King, David & Tyra	PO Box 506	Efland	NC	27243
Landen, Robert & Janice	247 Autumn Run	West Jefferson	NC	28694
Marrero, Raul & Evelyn	3160 Gem Ives Ct NE	Buford	GA	30519
McCurdy, Mitzie	260 West Avenue	Troutman	NC	28166
McIver, Jerry	197 Northmont Road	Taylorsville	NC	28681
McNeely, Brad and Emily	35 Honeysuckle Woods	Clover	SC	29710
Meyer, Amparo/Rice, Curtis	4605 SW 152nd Ave	Miramar	FL	33027
Millner, Pryor and Lauren	10015 Bayart Way	Huntersville	NC	28078
Moore, Dean & Jean	118 Heritage River Road	West Jefferson	NC	28694
Murray, Thomas/Ruffolo, Luigi	10111SW 16th Place	Davie	FL	33324
Nowak, Joseph and Michele	1400 Freshwater Ct.	Wake Forest	NC	27587
Shepherd, Claude & Kay	1295 Airport Rd.	N Wilkesboro	NC	28659
Shepherd, Michael & Paula	3212 Woodstream Lane	Ellicot City	MD	21042
Sipple, Mike & Karen Bobbitt	709 Nikanor Rd	West Jefferson	NC	28694
Swan, Ryan Patrick & Michelle Rene	5035 Neiman CV	Raleigh	NC	27612
Tanseer, Tracy Lauren and Fortune, Grace Elizabeth	423 Autumn Run	West Jefferson	NC	28694
White, Rick & Ann	9221 Fawn Lake Drive	Raleigh	NC	27617
Yow, Richard & Kathleen	591 Cedar St.	Longboat Key	FL	34228