

**HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION**  
**Board of Directors Minutes of Actions conducted by email**  
**December 29, 2023 to January 5, 2024**

**Board members participating in these discussions, motions, and votes:** Duane Esarey, President; Jimmy Copeland, Vice President; Gay Cass, Secretary; Janet Johnson, Treasurer; Michele Nowak, Assistant Treasurer; Ginger Jordan and Paula Shepherd, directors at large

**December 29, 2023** – President Duane Esarey seeks feedback (via email) from the HEPOA Board of Directors on the following:

- Annual Assessment Letter to be sent to all members
- Assessment Notification requesting assessments resume on five lots (for three members). Each letter includes a table with a total dollar amount owed since member ceased payment per lot and a new assessment for 2024.
- Letter from Anderson Legal for three members requesting payment in full of back assessments and payment of future adjusted assessments. One letter notified a member's law firm of a conflict of interest due to having advised HEPOA in the past.

**January 1, 2024** – After Board discussion, wording is changed on the Assessment Notification. requesting they contact the HEPOA Board by February 10, 2024 to request forgiveness of back assessments if they agree to resume payment on the lot/s. Duane proposes and Jimmy seconds two motions regarding the wording of the legal notices and assessment invoices.

Motion 1: The [assessment notification] wording proposed by Janet is OK

Motion 2: We will follow up on the first notice by sending the lawyer letter to either or both of the parties if they \*do not answer\* by February 10 requesting we consider their request to pay the requested assessments going forward.

Janet and Paula vote yes to both propositions. Duane confirmed this 4 of 7 majority (Duane, Jimmy, Janet, Paula) approval allows for the revised notices to be mailed to two members the following morning. Michele also approves the decision the next morning.

Janet subsequently requests Board approval to send the Assessment Notification (proposing forgiveness of back assessments if payments are resumed) to the board member who posed the legal challenge. Duane motions to this effect, seconded by Janet and approved, to send the Assessment Notification to the other member.

**January 2-5, 2024** – Janet informs the Board our legal fee so far is \$2475 which is covered by our contingency fund. A retainer to cover potential action against the member who threatened legal challenge is \$2500. If the retainer is unused, we get the money back. In answer to a question from Gay, a separate vote or motion for this retainer is not necessary as it's an extension of BOD approval on the ongoing legal matter.

Pdfs of all emails from this series archived.

Respectfully submitted,  
Paula C. Shepherd (Secretary)

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.