

HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION

MINUTES: BOARD OF DIRECTORS MEETING VIA VIDEO CALL (as corrected/amended, May 6 meeting)

SUNDAY March 12, 2024

Directors present: Duane Esarey, President; Jimmy Copeland, Vice President; Janet Johnson, Treasurer; Michele Nowak, Assistant Treasurer. At 7:03 pm, on Tuesday, March 12, 2024, President Duane Esarey declared a quorum and called the meeting to order.

New Business

- President Esarey reviewed a letter that HEPOA's lawyer, Cole Booth of Anderson Legal, received.
- The letter referred to the HEPOA Board's February 13th statement that the matter of assessment resumption on five lots could be resolved if members resumed payments for those lots moving forward, whereupon past assessments and any penalties/interest would be forgiven.
- The letter stated that the lawyers' clients are amenable to this path forward.
- **Proposed motion**

President Esarey read a proposed motion and edits were made for clarification. Jimmy Copeland made the motion to accept this wording to send to our lawyer to respond. Duane Esarey seconded and the motion passed unanimously. Final wording of the final version of the motion was as follows:

Motion

The HEPOA Board affirms the following motion in order to ensure the harmony and prosperity of the neighborhood. HEPOA Board of Directors hereby agrees to waive any claim to past assessments, late fees, fines, or accrued interest pertaining to each of five lots resuming annual payments [REDACTED] up to, but not including the 2024 assessment. We further affirm that, upon payment of each annual assessment for these lots, Association voting privileges will be restored for each of the enumerated lots per North Carolina statute.

The Board will impose consistent per lot billing and voting rights for each Heritage Estates owner holding multiple lots held individually as of the filing date of the articles of incorporation for Heritage Estates Property Owners Association (July 16, 2008). That is, the Association does not believe it has the authority to reverse Declarant actions on two cases executed prior to the Association's existence.

Approved by unanimous vote of a quorum of the HEPOA Board of Directors 7:15 pm, March 12, 2024.

- **Discussion:**

Janet Johnson brought up the fact that each of the board members not in attendance for this meeting had verbally conveyed their wish to settle this matter by forgiving past assessments if the lots in question paid assessments moving forward. The board agreed that they do not have the right to reverse anything that the developer did prior to governance by the HOA board, and that only the Declarant could split a lot.

New Business

There being no other business, the Board voted to adjourn at 7:21 pm.