

**HERITAGE ESTATES PROPERTY OWNERS ASSOCIATION**  
**MINUTES FOR BOARD OF DIRECTORS MEETING VIA VIDEO CALL**  
**MON APRIL 7, 2025**

Directors present: Duane Esarey, President; Jimmy Copeland, Vice President; Janet Johnson; treasurer; Michele Nowak; and Emily McNeely, director at large.

At 7:03 pm, on April 7, 2025 President Duane Esarey declared a quorum and called the meeting to order.

**Welcome and orientation**

- Lot 52 went on the market and immediately sold.
- Our last Board actions were the February 3, 2025 meeting. Minutes for that meeting were distributed in advance for review and approval tonight. Jimmy made a motion to accept the minutes, Michele seconded. Motion passed.

**Treasurer Report**

- All members paid their assessments on or before March 15.
- The road to the Gazebo has new gravel.
- Clean up from the ice storm cost \$1,100. We had about 40 trees moved off the road and much of it hauled away. Volunteers helped to keep the cost down.

**Status of CDs and investments**

- The CD we invested in 1 ½ years ago has made \$5,391 interest.
- We reinvested \$60,000 in the CD, earning 3.95% interest
- Opened a Flex CD with the ~\$5,400 interest + \$10,000, earning 3.5% interest. This type of CD allows more flexibility while providing better interest than money market or checking accounts. There is no penalty for withdrawal, as long as we maintain a \$500 minimum balance and write no more than one check a month.
- Our money market account, which is used for reserve expenses, was at \$15,778 at years end. Assessments are going into this account.
- Our regular checking account for operating expenses was \$4581 at year's end.
- NOTE: reserve and operating monies must be kept separate by law.

**Federal Requirements for BOI**

- The Board Members' information was submitted into the database to meet the Federal Beneficial Ownership requirements. This will need to be updated whenever we add new Board members.
- Michele made a motion to accept the Treasurer's Report. Seconded by Emily. Motion passed.

**Old business**

- No progress yet on the guard rail efforts.
- The status of the Covenants was reviewed. Attorney Timothy Swanson from Young, Morphis, Bach & Taylor, LLP had explained that only the original Covenants are valid. All later versions are invalid because they were not approved by a 2/3 vote of the membership with notarized statements, as required. He also noted that the original Covenants are confusing, as they include provisions for both the Developer and the HOA. He offered to draft a new, clearer version. To adopt these new Covenants, we would need a 2/3 membership vote and notarized signatures. This would officially replace the invalid versions currently filed at the courthouse. The alternative — having a judge rule the other Covenants invalid — would be much more expensive. Emily made a motion to have

Duane contact the lawyer and begin the process of getting new Covenants. Michele seconded.  
Motion carried.

- A group of individuals in the community have donated funds for the gazebo. These funds are akin to a “booster” effort and will not come out of HOA operating or reserves. The new roof will be metal.
- The common area at the river will need a new county permit to relocate the Blue Ridge Electric box and the meter into the 500-year floodplain. They will require a survey costing approximately \$800.
- Jimmy is replacing the blue bird boxes. They were destroyed by the hurricane.
- Discussion about filling the open Board seat.

#### **New business**

- Lot 52's new owners say they plan to build in a year.
- The owners of Lot 38 requested some information to get ready to put their lot on the market.

Jimmy made a motion to adjourn, seconded by Emily. The motion passed.

Meeting was adjourned at 7:50 pm.

Respectfully submitted,

Janet L Johnson (Acting Secretary). Minutes read and approved by Paula 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. Members' 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.