



7 July 2025

Dear Members of the Heritage Estates Property Owners Association,

We hope this letter finds you well and enjoying the summer. This year has brought both challenges and progress for our community. The impact of the hurricane and the major ice storm, as well as our continuing effort to address longstanding issues with the Covenants, have kept us extremely busy. We appreciate your patience as we've taken the time to prioritize these matters.

Our community faced major weather damage twice this year. After the late September hurricane brought down numerous mature trees, the February ice storm brought down over 40 trees across our roads. Cleanup for both continued through late Spring. We relied heavily on volunteer labor for much of our response, tree trimming, erosion control, and ongoing maintenance. Even now the road edges have a "shaggy" look with many smaller trees bending into the ROW. The sheer number of hours contributed by members made an enormous difference.

In addition to time and labor, we're grateful to the many members who made financial donations. We received \$2,500 in direct contributions toward costs of cleanup, and countless hours of donated labor far exceeding that in value. Separate donations of nearly \$6,000 funded the effort to restore the gazebo, and volunteers stepped up again to complete much of that work themselves. With the completion of the Gazebo's restoration June 27, we close the books on the hurricane and ice storm. Thank you to everyone who helped. It made a major difference to the community's ability to recover.

Historically, volunteers have also maintained landscaping at our entrance. We couldn't keep up with this in recent months. If you'd like to help with weeding, mulching, or other needs, please reach out, we'd welcome new volunteers.

Property and Infrastructure Updates

Two lots sold this year, one to a builder familiar to our community and another to a couple from Hickory. Both plan to build soon. We look forward to welcoming new neighbors.

We also resurfaced the gravel road to the gazebo, which was already scheduled in our Reserve Study. Fortunately, this work was done after the hurricane, which spared us from needing to redo it. We still intend to address the continued deterioration on upper Heritage River, where the pavement is becoming more and more "step" like. A small subsidence hole on Autumn Run will be temporarily repaired soon, as we continue to try to get more years of use from that section of road. It is now clear that the wooden guard-rail on upper River Sound will need to be fully replaced, which was already in the Reserve budget. We will also be proposing a new section of guard rail on lower Heritage River, where a car went over the edge this winter.



On a lesser note, two park-grade picnic tables donated last year were swept away in the flood. However, Janet and I still had four more of these for our own use. We've temporarily relocated these to the gazebo area for summer events. At least one will remain there permanently.

Legal Work on the Covenants

Since before 2019 the Board has known we need to revise and correct our Covenants and that this would require legal counsel. We've been working with attorney Timothy Swanson of Young, Morphis, Bach & Taylor, LLP (Hickory) to craft a legally valid and clear version of the Covenants.

Despite several well-intentioned efforts by the Board between 2008 and the present, none of the past amendments to the original Covenants were properly approved or filed. As a result, only the Developer's original Covenants remain valid today. Thankfully, a clause assigning rights and responsibilities to the HOA, once the Developer dissolved the development company, gives us clear legal standing to operate, maintain roads, and collect assessments. But the Developer's Covenants contain provisions that no longer apply, and some redundant or confusing clauses. Our choice is to either replace them through a properly executed member vote or petition a judge to invalidate the others. The latter option could cost over \$10,000 and still leave us with outdated terms. Accordingly, we've been advised to replace these with new, straightforward Covenants tailored for our community and in compliance with North Carolina law.

This will require notarized approval by a full 2/3 majority of the community. When the attorney completes the draft, we will distribute it for your review, followed by a process for Q&A. The last step will be to begin collecting notarized support.

Saturday September 13 Annual Meeting and Upcoming Events

A Board meeting on Zoom will be held the day before the annual meeting to answer any questions about the proposed Covenants and other business.

We continue to make progress toward long-term financial goals, including fully funding our reserves while sustaining operations. Your support, both financial and volunteer, is what makes this possible.

Thank you again for your commitment to Heritage Estates. We look forward to continued improvement and community collaboration in the months ahead.

Sincerely,

Duane Esarey

HEPOA Board President, 2025



First Notice: SAVE THE DATE, PLEASE
Annual Members Meeting
Heritage Estates Property Owners Association

Saturday, September 13, 2025

Meeting 1:00 – 2:30 p.m.

Location to be announced in August

Meeting Agenda

Welcome, Secretary Report, Treasurer Report, Ratification Vote for 2026 Annual Budget, President 2025 Report, Old Business, New Business, Election for two 3-year Director terms.

Formal notice, agenda, proxy forms, and the proposed 2026 budget will be mailed in August.

CALL FOR NOMINATIONS

HEPOA BOARD OF DIRECTORS

The HEPOA Board of Directors is soliciting nominations for two 3-year Director terms. See terms expiring 2025 on the enclosed current list of Board members. Please submit any nominations or declarations of intent to run for one of these positions via email or regular mail **by August 22, 2024**. Transmit nominations to the Board Secretary Paula Shepherd either care of HEPOA, 302 River Sound Road, West Jefferson, NC or via email to mpclshep@verizon.net

A final mailing before the annual meeting will contain the proxy ballots containing the nominations, the proposed 2026 budget (for ratification at the Annual Meeting), and a President's letter explaining the 2026 budget

Thank you, the HEPOA Board of Directors.

All Board members are required to sign conflict of interest statements and may need to comply with the terms of the Corporate Transparency Act.*

*The federal Corporate Transparency Act has not been repealed. But an interim final rule has been placed exempting most U.S. entities from complying with beneficial ownership information (BOI) reporting requirements. HOA Boards are among those currently exempted from obligation to submit the name, date of birth, address, and an identifying number of each Director to the Beneficial Ownership Information Registry.



7 July 2025

Dear Heritage Estates POA members,

With an eye towards promoting a fuller understanding of the common areas and their legal standing, the Board of Directors wishes to give annual notice regarding decorative fencing on the Heritage Estates right of way (ROW). Understanding that there are many acceptable uses and encouraged improvements on the ROW (for instance driveway pillars, lamp posts, address signs, as well as decorative fences and other landscaping features), it is still important to point out that decorative fences might become problematic if misconstrued or applied to for precedent. Accordingly, the Board is providing this notification to the membership.

Many forms of improvements to ROW are allowed by our governing documents, including decorative fencing, but these should not serve to enclose or cut off significant portions of the ROW, or obstruct functions implied by the ROW boundaries. More importantly, they cannot serve to abrogate the permanent legal standing of the ROW boundaries and the usages of that ROW as detailed in our governing documents and employed in our routine practices (for instance, per structure construction set-backs and as areas serving the Association's common interests). *Specifically, decorative fencing does not imply adverse possession, provide color of title, abrogate easement, or change the legal standing of the ROW inherent in the subdivision's original design, as established by the 1999 Record Map.*

Most respectfully,

A handwritten signature in black ink, appearing to read "Duane Esarey". The signature is fluid and cursive, with the first name "Duane" being more prominent than the last name "Esarey".

Duane Esarey

2025 HEPOA President



HEPOA Owner Info as of July 2025		Address	Town	St	5 digit Zip
Bowers, RJ		165 Heritage River Rd	West Jefferson	NC	28694
Cass, Gay		925 New Garden Road, Apt. 316	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
Five Rhoades Properties LLC		443 Kensington Parkway	Waxhaw	NC	28173
Fox, Andrew		219 Seed House Rd	Statesville	NC	28625
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	West Jefferson	NC	28694
Ince, Onur and Tanya		137 Timbersong	West Jefferson	NC	28694
Jordan, Chris		157 Deerfield Rd.	West Jefferson	NC	28694
Jordan, 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
McCurdy, Miltzie		260 West Avenue	Troutman	NC	28166
McIver, Jerry		197 Northmont Road	Taylorsville	NC	28681
McNeeley, Brad and Emily		4899 Old Hickory Rd.	Lancaster	SC	29720
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 & Pamela		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
Stroup Family Retreat, LLC (Alice Butler)		704 West Roseboro St	Roseboro	NC	28382
Swan, Ryan Patrick & Michelle Rene		5035 Neiman Cove	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



HEPOA Directors and Officers for 2025

(per the 2024 Annual Meeting and subsequent BOD election meeting)

2024 Officers

President: Duane Esarey (BOD term ending 2027)

Vice President: Jimmy Copeland (BOD term ending 2026)

Secretary: Paula Shepherd (BOD term ending 2026)

Treasurer: Janet Johnson (BOD term ending 2025)

Asst. Treasurer: Michele Nowak (BOD term ending 2027)

Board members at large

Joe Millner (BOD term ending 2025)

Emily McNeely (BOD term ending 2027)